

**WORK/REST RULES FOR
RAIL OPERATING EMPLOYEES**

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Work/Rest Rules for Rail Operating Employees

1. Short Title

1.1 These rules may be referred to as the "Work/Rest Rules".

2. Statements of principle

2.1 To meet the safety and operational challenges of managing operating employee fatigue, railways, operating employees and their designated representatives must have a flexible approach that will:

- a) take ongoing advantage of new developments in research and technology;
- b) meet operating employees' needs;
- c) meet operational needs of the railways; and
- d) be implemented over a wide range of operating conditions.

2.2 Railway companies have a responsibility to establish and maintain working conditions that allow:

- a) operating employees sufficient opportunity to obtain adequate rest between tours of duty; and
- b) alertness to be sustained throughout the duty period.

2.3 Operating employees have a responsibility to report for work rested and fit for duty.

3. Scope

3.1 The Work/rest Rules have been developed pursuant to section 20 (1) of the Railway Safety Act, R.S. 1985, c.32 (4th Supp).

3.2 These rules apply to operating employees and railways under the jurisdiction of the Department.

3.3 These rules define the requirements for hours of work and rest for such persons.

3.4 Each railway shall incorporate the requirements and interpretations of the Railway Association of Canada, Circular No. 14, "*Recommended Practices and Procedures for the Application of Work/Rest Rules*", as amended from time to time.

4. Definitions

"Operating employee" means a locomotive engineer, conductor, trainman, yardman or operator of remote control locomotives or operator of light rail passenger equipment, working in any class of service.

Note: Any person, including a supervisor, employee or third party who performs the duties of an operating employee on a railway subject to the jurisdiction of the Department will be considered an "operating employee" while those duties are being performed and must comply with these Rules.

"Department" means the Department of Transport

"Deadheading" means the authorized transportation of operating employees from one location to another.

"Emergency" means a situation where injury or harm has been sustained, or could reasonably be sustained to employee(s), passenger(s), the public or the environment.

"On-Duty Time" means the total elapsed time from when an operating employee is required to report for duty until the time when an employee goes off-duty.

"Fit for Duty" means reporting for duty rested and prepared to maintain alertness for the duration of the tour of duty.

"Call Time" means the amount of advance notice given to operating employees before they are required to report for duty.

"Class of Service" means freight, passenger, work, or yard service on a railway subject to the jurisdiction of the Department.

"Tour of Duty" means a single continuous period in road, yard or passenger service.

5. Minimum requirements

5.1 Maximum duty times

5.1.1 The maximum continuous on-duty time for operating employees performing one tour of duty is:

- a) 12 hours operating freight trains in road service;

- b) 12 hours operating passenger trains in intercity or commuter service;
 - c) 16 hours operating trains in work train service; and
 - d) 12 hours for one tour of duty in yard service.
- 5.1.2 The maximum on-duty time for operating employees working more than one tour of duty is 18 hours in any 24-hour period except as otherwise provided in section 5.1.3
- 5.1.3. The maximum on-duty time for operating employees working more than one tour of duty in yard service is 16 hours in any 24-hour period.
- 5.1.4 When an operating employee works more than one class of service in a 24-hour period, the class of service for which the employee is being called will determine the maximum on-duty time available to that person.
- 5.1.5 In calculating maximum available hours remaining in the 24-hour period for the purposes of paragraphs 5.1.2. and 5.1.3, 6 hours continuous off-duty time is required to 'reset' the clock to zero.
- 5.1.6 Operating employees involved in an emergency situation may remain on-duty until they are relieved, subject to the fatigue management and reporting requirements set out in sections 6 and 7 of these Rules.
- 5.1.7 Where a supervisor, employee or third party is deemed to be an operating employee, the on-duty times of the supervisor, employee or third party in the immediately preceding 24-hour period shall be taken into account in calculating maximum available on-duty time and mandatory off-duty times under this rule.

5.2 *Mandatory Off-Duty Times*

- 5.2.1 Operating employees who go off-duty after being on-duty in excess of 10 hours will:
- a) at the home terminal - be subject to at least 8 hours off-duty, exclusive of call time, except for yard service employees returning to their regular shift, who will be subject to at least 6 hours off-duty, exclusive of call time, where applicable; and
 - b) at the away-from-home terminal - be subject to at least 6 hours off-duty, exclusive of call time.
- 5.2.2 When the on-duty time for one trip is less than or equal to 10 hours and the off-duty time between trips is less than 3 hours, the total on-duty time for consecutive trips will be combined for the purpose of calculating mandatory off-duty time. The off-duty time between such trips is not included in the calculation of total on-duty time.

5.3 Deadheading

- 5.3.1 Deadheading at the commencement of a tour of duty is included in the total on-duty time in section 5.1.1.
- 5.3.2 Deadheading is permitted following the expiration of maximum hours on-duty without regard to the duty times in 5.1.1.
- 5.3.3 Mandatory off-duty time may be interrupted at the away-from-home terminal for deadheading to the home terminal. In such circumstances, upon arrival at the home terminal, the employee will be considered to require full mandatory rest. The mandatory off-duty times in section 5.2.1 will apply.

6. Fatigue Management Plans

6.1 Requirements

- 6.1.1 Railways will implement fatigue management plans.
- 6.1.2 Fatigue management plans shall be designed to reduce fatigue and improve on-duty alertness of operating employees.
- 6.1.3 Fatigue management plans shall reflect the nature of the operations under consideration, including work trains on a particular territory, taking into account such items as size, complexity, traffic density, traffic patterns, run length and geographical considerations.

6.2 Development and Implementation

- 6.2.1 Railways, operating employees and their designated representatives will be involved in the development and implementation of fatigue management plans including changes to such plans.
- 6.2.2 Fatigue management plans must consider but not be limited to the following:
 - a) employee work scheduling practices;
 - b) education and training;
 - c) on the job alertness strategies;
 - d) rest environments;
 - e) work environments;

- f) working under unusual operating conditions;
- g) unique deadheading circumstances.

6.2.3 Fatigue management plans must address how operating employees, who work more than one tour of duty in any 24-hour period, will be afforded the opportunity to be involved in the decision to accept a subsequent tour of duty, based on their fitness at that time.

6.2.4 A specific fatigue management plan must be in place to address fatigue of operating employees in the following circumstances:

- a) where continuous on-duty hours exceed 12 hours;
- b) where there are more than 64 hours on-duty in a 7 day period; and
- c) emergency situations.

7.0 Filing/Reporting Requirements

7.1 Fatigue Management Plans, as required in Section 6.1.1 are to be filed with the department 60 days prior to the effective date of these rules.

7.2 Specific fatigue management plans referred to in 6.2.4 and changes thereto must be filed with the department. These plans for specific operational situations are to be filed 15 days prior to their implementation.

7.3 Railway Association of Canada Circular No.14 "Recommended Procedures and Practices for Application of Work/Rest Rules" shall be filed with the department, as amended from time to time.

7.4 A railway company shall file a report with the department, as soon as possible and in any event not later than 48 hours following, any time an operating employee is on-duty in excess of 12 hours under an emergency situation.