

WORK/REST RULES FOR RAILWAY OPERATING EMPLOYEES TC O 0-140

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Work / Rest Rules for Railway Operating Employees

1. Short Title

1.1 These Rules may be referred to as the “Work/Rest Rules”.

2. Statement of Principle

2.1 To meet the safety and operational challenges of managing operating employee fatigue, railway companies, in association with 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 railway companies; and
- d) be implemented over a wide range of operating conditions.

Revised: 2.2 Railway companies shall establish and maintain working conditions **and rest facilities** that allow:

Revised: a) operating employees sufficient opportunity to obtain adequate **recuperative** 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 railway companies and operating employees under the jurisdiction of the Department.

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

3.4 For the purpose of calculating on-duty time under these Rules, United States railroad employees operating in Canada will include all time on-duty in the previous 24 hours, regardless of where that service was performed.

4. Definitions

(DELETE) ~~“Arbitrary Time” or “Allowance” means time paid for duties that do not require the employee to be in control of or engaged in the physical operation or switching of trains, engines or equipment.~~

“Call Time” means the amount of advance notice given to operating employees before going on duty as established by the respective railway company.

Revised: “Class of Service” means designated as road, passenger, commuter, work **train, transfer**, or yard service on a railway company subject to the jurisdiction of the Department.

Revised: ~~“Deadheading”~~ **Railway Authorized Travel** means **all railway the company** authorized transportation of operating employees from one location to another. ~~but does not include travel allowances when paid for commuting to a reporting location.~~ **Unless otherwise provided in these rules, time occupied during railway authorized travel is service and must be counted as on-duty time.**

“Department” means the Department of Transport.

“Designated Representative” means a person designated by a recognized association or organization that has been formed to represent the interests of operating employees on a particular railway company. Where there is no recognized association or organization, the operating employees on the railway company shall elect a person from the railway company to act as the designated representative.

Revised: “Emergency” means a sudden or unforeseen situation where injury or harm has been sustained, or could reasonably be sustained to employee(s), passenger(s), the public or the environment such as those involving a casualty or unavoidable accident, an Act of God, severe storms, major

earthquakes, washouts, derailments or where there has been a delay resulting from a cause not known to the railway at the time employees leave the terminal and which could not have been foreseen. Except as outlined above, normal operating problems that are inherent in railway operations that do not constitute an “emergency”, include but are not limited to:

- a) crew shortage;
- b) broken drawbars;
- c) locomotive malfunctions;
- d) equipment failure;
- e) broken rails;
- f) **hot boxes overheated bearings**
- g) switching;
- h) doubling hills;
- i) meeting trains
- j) train length
- k) **train tonnage (Added)**
- l) **signal irregularities (Added)**

It is incumbent upon railway companies to establish that excess service could not have been avoided. When an emergency situation does occur, railway companies must exercise due diligence to avoid or limit such excess service.

Revised: “Final Time” means ~~arbitrary time associated with administrative duties at the end of a shift or tour of duty.~~ **the time when an operating employee ceases performing service for a railway company. For the purposes of calculating on-duty time there must be only one final time.**

NEW: b) If the final time is not at the company provided rest facility, travel time to the rest facility from the off-duty location will not count as on-duty time if the travel time, including time spent waiting for accommodations, is 30 minutes or less. If the travel time exceeds 30 minutes all travel time must be counted as on-duty time. Travel time will begin immediately after the off-duty time.

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

Revised; “On-Duty Time” means the total elapsed time from ~~when an operating employee goes on-duty until the time when an employee goes off-duty but does not include preparatory time, final time, travel~~

~~allowances and other arbitrary or allowance payments.~~ **employee's reporting time until his or her final time. For the purposes of calculating on-duty time there must be only one reporting and final time.**

Revised: "Operating Employee" means a locomotive Engineer, conductor, trainman, yardman, pilot, operator of remote control locomotives, and operator of light rail passenger equipment, as well as any person **who spends the** ~~whose preponderance~~ **majority** of **their work** time in such classifications, working in any class of service who is physically involved in the operation or switching of trains, engines and equipment. Any other person who performs the duties of an operating employee is deemed to be an operating employee while those duties are being performed.

(DELETE): ~~"Preparatory Time" means arbitrary time associated with administrative duties when preparing for a shift or tour of duty.~~

New: **"Reporting Location" means an identifiable location where an operating employee will report for service. For the purposes of calculating on-duty time there must be only one reporting location. The reporting location must be specified by the railway company to an operating employee at the time the employee is called to begin service for the railway.**

New: **"Reporting Time" means the time when an operating employee begins service for a railway company. There must be only one reporting time and the reporting time must be conveyed to an operating employee at the time the operating employee is called for service.**

New: **"Service" means any work that is performed by an operating employee for a railway company. Unless otherwise provided in these rules, all service will be calculated as on-duty time. Service includes but is not limited to:**

a) Railway Authorized Travel prior to, during, or after a tour of duty.

b) Time engaged in or connected with the operation of any train, yard, engine, transfer, or other railway equipment.

c) Administrative work connected with the operation of any train, yard, engine, transfer, or other railway equipment.

"Shift or Tour of Duty" means a single continuous period on-duty in any class of service, except split shifts, which are comprised of distinct duty periods.

Revised: "Ticket Splitting" means when operating employees are placed off-duty and on-duty, ~~while en-route~~, expressly for the purpose of circumventing the maximum on-duty time provisions contained in subsection 5.1.1.

New: **"Time Windows " means a method of managing railway operating employees so that they are called to work from yard, transfer, and road spareboards, road assignments, and road pools on specified days and within a specified " time window" on those days. There cannot be more than one time window starting time in a calendar day. A time window cannot be more than 12 hours.**

~~(DELETE) "Travel Allowance" means an allowance paid for an operating employee to commute to a reporting location.~~

Note: (Travel Allowance is replaced by "Railway Authorized Travel")--"Railway Authorized Travel" means all railway company authorized transportation of employees from one point to another. Unless otherwise provided in these rules, time occupied during railway authorized travel is service and must be counted as on-duty time. This paragraph is added here for explanation purposes only and will not form part of the rule.

5. Minimum Requirements

5.1 Maximum Duty Times

5.1.1

a) The maximum continuous on-duty time for a single tour of duty operating in any class of service, is 12 hours, except work train service for which the maximum on-duty time is 16 hours. Where a tour of duty is designated as a split shift, as in the case of commuter service, the combined on-duty time for the two on-duty periods cannot exceed 12 hours.

~~(DELETE) b) when calculating on-duty time as outlined above, arbitrary time or allowances are not to be included. Preparatory and final times each shall not exceed 15 minutes.~~

5.1.2

Ticket splitting in order to circumvent compliance with subsection 5.1.1 is prohibited.

5.1.3

Revised: The maximum combined on-duty time for more than one tour of duty, operating in any class of service, cannot exceed ~~18~~ **16** hours between "resets" as outlined in subsection 5.1.4.

NEW—b) Combined tours of duty cannot exceed 12 hours unless the employee was called for service for his or her initial tour of duty from a time window.

Revised: 5.1.4 In any class of service, ~~The following is required~~ to reset the calculation of combined on-duty time to zero **8 continuous hours off-duty for rest, "exclusive" of call time, is required.** Except as provided for in subsection 5.3.3 or in an emergency situation operating employees who are off duty for rest must not be disturbed.

~~a) at the home terminal, 8 continuous hours off-duty time, "inclusive" of call time when entering into yard service or;~~

~~b) at the home terminal, 8 continuous hours off-duty time, "exclusive" of call time if applicable, when entering into road service or;~~

~~c) at other than the home terminal, 6 continuous hours off-duty, "exclusive" of call time if applicable.~~

5.1.5 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.

5.1.6 Operating employees required to attend a company initiated meeting, investigation or training class in excess of 4 hours shall include actual time occupied as on-duty time in calculating maximum duty times and mandatory off-duty times in section 5. Such activities, regardless of duration, must not interrupt mandatory off-duty times as provided in subsection 5.2.1.

Revised: 5.1.7 Where a supervisor, non-operating employee, or third party is deemed to be an operating employee,

- a) the on-duty times of the supervisor, non-operating employee or third party in the immediately preceding ~~24~~ **72** hour period shall be taken into account in calculating maximum available on-duty time and mandatory off-duty times in section 5. **They must also have at least one period of 24 hours continuous time off duty for rest in the previous 7 days. The previous 7 days will be calculated by counting backward from the time the employee will be called for service.**
- b) **Such persons must be able to demonstrate compliance with these Rules.**

NEW: **b) A Railway supervisor who is subject to service as an operating employee must establish and maintain a railway company electronic file of their daily hours of service worked for the railway company in any capacity. This personal file must be updated on each day that he or she performs service for the railway company.**

(NEW) 5.1.8 Should an operating employee perform service for six consecutive calendar days in yard, transfer, or road switcher service, on going off duty on the sixth day he or she must be placed off-duty for rest on the following calendar day at their home terminal.

5.2 Mandatory Off-duty Times

Revised: 5.2.1 **In any class of service,** operating employees who go off-duty after being on-duty in excess of 10 hours will be **subject to 8 continuous hours off-duty for rest “exclusive” of call time.** **Except as provided for in subsection 5.3.3 or in an emergency situation operating employees who are off-duty for rest must not be disturbed.**

~~a) at the home terminal – be subject to at least 8 continuous hours off-duty, “exclusive” of call time if applicable, except for yard service employees returning to their regular shift, who will be subject to at least 8 continuous hours off-duty, “inclusive” of call time if applicable; and~~

~~b) at other than the home terminal – be subject to at least 6 continuous hours off-duty, “exclusive” of call time if applicable.~~

Revised: 5.2.2 At the home terminal, mandatory off-duty time for rest shall commence at the point where the operating employee goes off-duty. At other than the home terminal, mandatory off-duty time for rest shall commence when an operating employee **arrives** **goes off duty** at the **accommodations**

rest facility provided by the railway company. **If sleeping accommodations are not immediately available at the company provided rest facility mandatory off-duty time for rest must not commence until sleeping accommodations are provided for the operating employee.**

5.2.3- When the off-duty time between any shifts or tours of duty is less than 3 hours and the combined on-duty time of such shifts or tours of duty are in excess of 10 hours, then the provisions of subsection 5.2.1 apply at the time the operating employees last go off-duty. The off-duty time between such shifts or tours of duty is not to be included in the calculation of on-duty time.

Revised: 5.3 ~~Deadheading~~ **Railway Authorized Travel**

Revised: 5.3.1 (a) Except as provided in subsections (b) and (c) ~~Deadheading~~ **Railway Authorized Travel** time at the commencement **and end** of a **shift** or tour of duty must be included in the total on-duty time in subsections 5.1.1 **and 5.1.3**.

New: **b) Railway authorized travel from a railway company provided rest facility to the reporting location will not count as on-duty time unless the travel time exceeds 30 minutes. If the travel time exceeds 30 minutes all travel time must be counted as on-duty time.**

New: **c) If the off-duty location is not at the company provided rest facility, travel time to the rest facility from the off-duty location will not count as on-duty time if the travel time, including time spent waiting for accommodations, is 30 minutes or less. If the travel time is more than 30 minutes all travel time must be counted as on-duty time. Travel time must begin immediately after the off-duty time.**

Revised: 5.3.2 ~~Deadheading~~ **Railway authorized travel** is permitted following the expiration of maximum hours on-duty without regard to the duty times in subsections 5.1.1 and 5.1.3. **In such circumstances, upon the arrival at the home terminal or the away from home terminal, as the case may be, the employee must be considered to require full mandatory off-duty time for rest and the provisions of subsection 5.2.1 must apply.**

NEW: **(b) Time occupied by company authorized travel after the expiration of maximum hours on duty must be counted as on-duty time but only to the extent that it will added to the 64 maximum hours an operating employee can work in a 7 day period as referenced in subsection 6.2.4 (b).**

Revised: 5.3.3 (a) Mandatory off-duty time **for rest** may be interrupted at other than the home terminal for ~~deadheading~~ **railway authorized travel** to the home terminal. In such circumstances, upon arrival at the home terminal, the employee must be considered to require full mandatory off-duty time **for rest** and the provisions of subsection 5.2.1 ~~(a) will must~~ apply.

NEW: **(b) Time occupied by company authorized travel after the expiration of maximum hours on duty must be counted as on-duty time but only to the extent that it will added to the 64 maximum hours an operating employee can work in a 7 day period as referenced in subsection 6.2.4 (b).**

6. Fatigue Management Plans

6.1- Requirements

6.1.1- Railway companies 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 Railway companies, 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) Education and training
- b) Scheduling practices
- c) Dealing with emergencies
- d) Alertness strategies
- e) Rest environments
- f) Implementation policies
- g) Evaluation of fatigue management plans and crew management effectiveness

6.2.3

a) fatigue management plans shall address how operating employees, who work more than one tour of duty under the provisions of subsection 5.1.3, 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.

b) Where railway companies have processes in place that provide rest provisions that allow employees to elect to take rest prior to a subsequent shift or tour of duty, such will satisfy the requirements of paragraph a).

c) Fatigue management plans shall also address the circumstances under which operating employees in road service, not taking rest, will be provided the option to take a break of up to 45 minutes off-duty between consecutive working tours of duty where the combined on-duty time will exceed 12 hours.

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. Filing / Reporting Requirements

Revised: 7.1 A Fatigue Management Plan as outlined in subsection 6.1 **and changes thereto** must be filed with the Department at least **45 days** prior to implementation.

Revised: 7.2 Specific fatigue management plans referred to in subsection 6.2.4 and changes thereto **must** be filed with the Department. These plans for specific operational situations must be filed with the Department ~~15 days~~ **45 days** prior to implementation.

Revised: 7.3 A railway company shall file a report with the Department, as soon as possible, but not later than 48 hours following, when an Operating employee operates in excess of the maximum duty times permitted under the provisions of subsections 5.1.1 and 5.1.3. under an emergency situation:-