

RAC Work/Rest Rules **Interpretation Document**

Effective June 29, 2005

The following document does not form part of the Work/Rest Rules for Railway Operating Employees. Its purpose is to provide consistent guidance in the interpretation of the Work/Rest Rules, including the use of questions and answers to provide examples, and thereby promote a comprehensive understanding of the Rules.

General

Complete copies of the Work/Rest Rules and this Interpretation Document will be provided to operating employees.

In the following document the numbering sequence refers directly to the relevant section of the Rules.

Section 4 - Definitions

“On-Duty Time”

(a) Question:

Can performing the duties of an operating employee, such as tying on handbrakes occur after the expiry of maximum duty times provided under subsections 5.1.1 and 5.1.3 of the Work/Rest Rules?

Answer:

No. Duties that require employees to be physically engaged in the operation or switching of trains, engines and equipment must be performed prior to the expiration of maximum hours on-duty.

(b) Question:

How will the Work/Rest Rules apply if I am called then subsequently cancelled prior to the original order time?

Answer:

Employees called and cancelled prior to their original order time do not go on-duty and do not commence a tour of duty. Accordingly, there is no on-duty time, nor tour of duty, to take into account in the application of the Work/Rest Rules.

Notwithstanding the foregoing, should the employee be obligated to remain on Company property by the employing railway beyond the time for which ordered, all such time from the order time until the time relieved and no longer obligated to remain on Company property, will be deemed on-duty time for the purposes of the application of the Work/Rest Rules.

“Operating Employee”

The term “operating employee” is defined in the Work/Rest Rules. Employees who commonly fall in this category include Locomotive Engineers, Conductors, Trainmen, Yardmen, Pilots, Operators of remote control locomotives and light rail passenger equipment, as well as any person whose preponderance of time is spent in such classifications. Job descriptions and titles vary from railway to railway and may be changed over time. The Work/Rest Rules are intended to cover those employees physically involved in the operation or switching of trains, engines and equipment.

(a) Question:

Are Operators of track units considered to be operating employees under the Work/Rest Rules?

Answer:

Yes, operators of track units are deemed to be operating employees by the Work/Rest Rules when operating as a train. For instance, rail grinding equipment often operates as trains when moving between work sites. When operated in this manner, the operators of this equipment would be considered as operating employees under the Rules. Operators of track units will not be deemed to be operating employees when operating as track units.

(b) Question:

Are Rail Traffic Controllers, Hostlers and Yard Coordinators covered by the Work/Rest Rules?

Answer:

No. Rail Traffic Controllers, Hostlers and Yard Coordinators are covered under the provisions of the Canada Labour Code.

However, employees working as ‘ Outside Hostlers’, that is, those operating locomotives outside the defined limits of shop tracks, are considered operating employees and will be subject to the requirements of subsection 5.1.7 of the Work/Rest Rules when engaged in such activity.

In addition, employees who work as yard coordinators but whose preponderance of time is spent in operating classifications, must also include time spent working as a yard coordinator.

“Travel Allowances”

(a) Question:

I am required to report for duty at location A to deadhead to location B where I will get on my train. Is the time spent traveling considered on-duty time even if I am paid a travel allowance?

Answer:

Yes. This would be considered deadheading at the commencement of duty and would be considered on-duty time by subsection 5.3.1.

(b) Question:

I am paid a travel allowance to commute to location B to report for duty. Is the time spent traveling considered on-duty time?

Answer:

No. This is because you are actually reporting for duty at location B.

Section 5 - Minimum Requirements

Subsection 5.1 - Maximum Duty Times

Question:

How will subsection 5.1.1 b) be applied if the established preparatory time is in excess of 15 minutes?

Answer:

If the established preparatory time is in excess of 15 minutes, all of this preparatory time must be counted as on-duty time for purposes of the Work/Rest Rules. For instance, if an operating employee is ordered for 0800 with an established preparatory time of 15 minutes, they will be considered as on-duty at 0800. If, however, an operating employee is ordered for 0800 with an established preparatory time of 30 minutes, they will be considered as on-duty at 0730 for purposes of the Work/Rest Rules.

Subsection 5.1.2

Question:

Can I show off and on-duty en route and work for 18 hours?

Answer:

No. This constitutes “Ticket Splitting.”

“Ticket Splitting” occurs when employees are placed off-duty and back on-duty, while enroute, expressly for the purpose of circumventing the maximum on-duty time provisions contained in subsection 5.1.1 of the Rules. Such a practice is prohibited.

Subsection 5.1.3

(a) Question:

I am a yard-person and I just finished an 8-hour yard shift. Can I work a road shift?

Answer:

Yes. You would be able to work the road shift. The Work/Rest Rules provide for a maximum of 18 hours on-duty between resets. In this case the yard shift would account for 8 hours leaving a maximum of 10 hours remaining.

(b) Question:

I just finished a road shift after working 9 hours. Can I accept a call for a yard shift?

Answer:

Yes. You could accept the call for a yard shift. The Work/Rest Rules provide for a maximum of 18 hours on-duty between resets. The road service would account for 9 hours leaving 9 more available hours.

(c) Question:

If I work 9 hours to the away from home terminal can I show off and on-duty and return home?

Answer:

Yes. The Work/Rest Rules would permit you to return home and you could work up to a maximum of 9 hours under this scenario. Consideration should be given as to whether taking a break of up to 45 minutes break free from the controls of the train and having a meal, snack or coffee would help on-duty alertness for the return trip.

(d) Question:

I worked a 0700 yard shift, which included 2 hours of overtime, completing work at 1700, then was called to work a 2300 yard shift. Can I accept this call?

Answer:

Yes. The Work/Rest Rules would permit you to accept the 2300 yard shift. Subsection 5.1.3 permits employees to work up to a maximum of 18 hours between resets where more than one shift or tour of duty is involved. However since you did not have 8 continuous hours off-duty time between shifts your clock would not be reset to zero under the requirements of subsection 5.1.4 a). This would mean you could only work another 8 hours.

Also, as you have not worked beyond 10 hours, mandatory off-duty time does not apply. Mandatory off-duty time requirements only apply when an employee has accumulated in excess of 10 continuous hours on-duty (i.e.: 10 hours and 1 minute, or more, as provided in subsection 5.2.1).

Subsection 5.1.4

At the home terminal eight continuous hours off-duty time ‘inclusive’ of call time is required to reset your clock to zero when entering into yard service. When entering into road service, 8 continuous hours off-duty time, ‘exclusive’ of call time, if applicable, is required to reset the clock.

At other than the home terminal, the clock will reset after six continuous hours off-duty, ‘exclusive’ of call time if applicable.

(a) Question:

At the home terminal, what is the difference between ‘8 continuous hours off-duty’ when entering yard service and ‘8 continuous hours off-duty’ when entering road service?

Answer:

While an employee entering yard service must have 8 continuous hours off-duty to reset the clock to zero, he or she can accept a call to work during this 8 hour off-duty period. An employee entering road service must have 8 continuous hours off-duty undisturbed by a call to work in order to reset the clock to zero, that is, the call must come after the 8 hour off-duty period expires.

(b) Question:

I worked in road service to an away from home terminal where I went off-duty for 6 hours, exclusive of call time. I then worked in road service back to my home terminal for a total of 9 hours. Can I work another shift or tour of duty?

Answer:

Yes. The Work/Rest Rules would permit you to work another shift or tour of duty. Because you were off-duty for 6 continuous hours your clock had been reset to zero at the away from home terminal.

(c) Question:

At other than the home terminal, 6 continuous hours off-duty, 'exclusive' of call time, is required to 'reset' the clock to zero. Can I be called within the 6 hour off-duty period to return to work immediately upon the expiration of the sixth hour and still reset the clock to zero?

Answer:

No. In all cases, in order to reset the clock to zero, you must have an off-duty period of 6 hours, undisturbed by a call to work.

(d) Question:

If I am an assigned employee that automatically reports for duty, or if I go off-duty enroute because I am tied-up between terminals or have exercised my right to book rest under the terms of my collective agreement, can I return to duty, at other than the home terminal, immediately upon the expiration of the sixth hour and still reset the clock to zero?

Answer:

Yes. Since you are aware of the time you will return to duty, at the time that you go off-duty, the 6 'continuous' hours off-duty period required to 'reset' the clock to zero is undisturbed by a call to work and you would therefore commence your next tour of duty governed by the maximum duty times provided under subsection 5.1.1.

Subsection 5.1.5

Management's first responsibility in an emergency is the safety and security of employees and the public. Operating employees involved in an emergency situation contemplated by the Work/Rest Rules must be informed of the nature of the emergency situation and the plan to manage through that situation. The fatigue condition of operating employees must be considered in the plan. Management must take all reasonable steps to minimize the time involved in the emergency.

Subsection 5.1.6

Question

The company required my attendance at a 6 hour company initiated meeting. How will subsection 5.1.6 be applied?

Answer:

Since your attendance at the meeting was greater than 4 hours subsection 5.1.6 requires that the entire 6 hours will be considered on-duty time when determining your availability under the Rules.

Subsection 5.1.7

Any person who performs the duties of an operating employee is deemed to be an operating employee while they are performing those duties. All on-duty time performed in the 24 hours immediately preceding a person performing the duties of an operating employee will be included in the calculation of on-duty time for the purpose of the Work/Rest Rules.

(a) Question:

I've just worked 10 hours 15 minutes as a supervisor. I am then requested to work a separate tour of duty as an operating employee. How should I be governed?

Answer:

As you have not yet worked as an operating employee the provisions of subsection 5.2.1 do not apply and you may accept the call. However, once you commence duty as an operating employee all the provisions of section 5 apply.

Since the work as an operating employee is a separate tour of duty you would have a maximum of seven (7) hours and forty five (45) minutes left in which you could work under the provisions of subsection 5.1.3.

Supervisors are responsible to demonstrate they are in compliance with these Rules.

(b) Question:

I am a short line employee who performs various duties such as track work and mechanical repairs. I am also qualified to operate the company's locomotives. After 6 hours on-duty repairing track I am immediately required to work as an operating employee. How should I be governed?

Answer:

Since the work was performed in one continuous tour of duty all the provisions of section 5 apply. Therefore the initial 6 hours will count as time on-duty in the calculation of the maximum duty time of 12 hours for a single tour of duty under the provisions of subsection 5.1.1 a). As such you may work for a maximum of 6 more hours. You are responsible to demonstrate that you are in compliance with these Rules.

(c) Question:

I am an operating officer who has performed 9 hours of office duties and I am subsequently called to work as a locomotive engineer for 6 hours. How shall I be governed?

Answer:

A total of 15 hours would have to be taken into account under the Rules for the time spent performing the two separate tours of duty.

(d) Question:

I am a Yard Coordinator and my duties occasionally include lining switches for inbound trains. Does subsection 5.1.7 apply in this instance?

Answer:

Yes, whenever a Yardmaster or Yard Coordinator is physically involved in the operation or switching of trains, engines or railway equipment, subsection 5.1.7. of the Rules would apply.

(e) Question:

How will service performed as an operating employee, on more than one railway be treated under the Work/Rest Rules?

Answer:

The provisions of subsection 5.1.7 would apply. Employees are required to remain in compliance with the Rules at all times and must notify railway companies on a timely basis of all service performed on any railways under the jurisdiction of the department.

Subsection 5.2 - Mandatory Off-Duty Times

Subsection 5.2.1 a) & b)

The intent of the Work/Rest Rules is to allow operating employees defined periods of off-duty time. Such time is intended to be used for personal needs such as sleep and meals.

(a) Question:

I started mandatory off-duty time at 1300 at my home terminal. What is the earliest time that I may be called?

Answer:

The Work/Rest Rules provide 8 hours off-duty exclusive of call time, which means 8 hours undisturbed rest. Your call time could not be before 2100, except for yard service employees returning to their regular shift, who will be subject to at least 8 hours off-duty, inclusive of call time, if applicable.

(b) Question:

I worked a 0700 yard shift, which included 3 hours of overtime, completing work at 1800, then was called to work a 2400 yard shift. Can I accept this call?

Answer:

No. The Work/Rest Rules would not permit you to accept the 2400 yard shift. The Work/Rest Rules provide that employees who go off-duty at their home terminal after being on-duty in excess of 10 hours will be subject to at least 8 hours off-duty exclusive of call time. As you have had only 6 hours off-duty between 1800 and 2400, you would not have satisfied this requirement.

(c) Question:

In the aforementioned example my regular shift is to work the 2400 yard shift. Can I work the 2400 shift?

Answer:

No. The Work/Rest Rules would still not permit you to accept the 2400 yard shift. The Work/Rest Rules provide that yard service employees returning to their regular shift who go off-duty after being on-duty in excess of 10 hours will be subject to at least 8 hours off-duty, inclusive of call time if applicable. As you have had only 6 hours off-duty between 1800 and 2400, even though you would be returning to your regular shift, you still would not have satisfied this requirement.

(d) Question:

In the application of mandatory off-duty time what does “exclusive of call time” mean?

Answer:

Mandatory off-duty time at the home terminal is 8 continuous hours 'exclusive' of call time, if applicable. At other than home terminals, mandatory off-duty time is 6 continuous hours 'exclusive' of call time, if applicable. What is being protected in these situations is a solid block of time off-duty which cannot be disturbed by a call to work if one is required. The only exception being employees returning to their regular yard shift, in which case it is 8 continuous hours 'inclusive' of call time, if applicable, where a call to work can be taken within the 8 hour off-duty period, if one is required.

(e) Question:

How will mandatory off-duty time be applied for employees working outpost assignments?

Answer:

The home terminal for employees regularly assigned, on either a permanent or temporary basis (including those forced), will be the outpost location. The home terminal for spare employees will be the location of the working board from which called. Mandatory off-duty time for tours of duty in excess of 10 hours will be administered accordingly.

Subsection 5.2.3

Question:

I worked a day yard shift from 0800-1600 (8 hours) and was then called to go on-duty in road service (e.g. a through freight) for 1800. How do I treat the time between the two tours of duty?

Answer:

The two hours between the end of your day yard shift (1600) and the commencement of the road tour of duty (at 1800) are not considered on-duty time. However, because the time between the two tours of duty is less than 3 hours as per subsection 5.2.3 of the Rules, the two tours of duty would be combined when determining the need for mandatory off-duty time. For instance, if you go off-duty from the road assignment at 2300, the combined time for the two tours of duty would be 13 hours. Since this total on-duty time is more than 10 hours, mandatory off-duty time would apply when you finish the second tour of duty.

Handling of Mandatory Off-Duty Time for Operating Employees Taking Rest Enroute or Tied Up Enroute

Operating employees taking rest enroute or who are Tied-up Between Terminals are required to observe mandatory off-duty time, subsection 5.2 of the Work/Rest Rules, if they have been on-duty in excess of 10 hours when they arrive at the rest facility.

For the purposes of determining availability under the Work/Rest Rules operating employees will be considered to be off-duty upon their arrival at the Company provided rest facility and mandatory off-duty time will be applied in accordance with subsection 5.2.1 b) of the Work/Rest Rules for other than home terminals.

Therefore, the following will apply to operating employees going off-duty enroute in road service:

1. Should an operating employee exceed 10 hours on-duty prior to going off-duty upon the arrival at the company provided rest facility, they will be subject to mandatory off-duty time as provided under subsection 5.2.1 b) of the Work/Rest Rules for away-from-home terminals, that is, at least 6 hours off-duty, exclusive of call time if applicable, notwithstanding any 'lesser' personal rest elected by employees under the provisions of their collective agreements.
2. After observing the mandatory off-duty time, your clock will be reset to zero and the operating employee will be governed only by the provisions of subsection 5.1.1 of the Work/Rest Rules maximum duty times for a single tour of duty.
3. Should an operating employee exceed 10 hours on-duty prior to going off-duty upon the arrival at the company provided rest facility, mandatory off-duty time may be interrupted to deadhead to the home terminal only, whereupon full mandatory off-duty time will be required as provided in subsection 5.2.1 a) of the Work/Rest Rules for home terminals.

4. If an operating employee does not exceed 10 hours on-duty prior to going off-duty upon arrival at the company provided rest facility, mandatory off-duty time will not apply at that location.
5. If an operating employee does not exceed 10 hours on-duty prior to going off-duty upon the arrival at the company provided rest facility and returns to duty prior to the expiration of 6 hours continuous off-duty time, exclusive of call time if applicable, as provided for in subsection 5.1.4 c) of the Work/Rest Rules, the employee's clock will not be reset to zero and the employee will be governed by the provisions of subsection 5.1.3 of the Work/Rest Rules – a maximum duty time of 18 hours.
6. If an operating employee does not exceed 10 hours on-duty prior to going off-duty upon the arrival at the company provided rest facility and return to duty prior to the expiration of 3 hours off-duty time, as provided for in subsection 5.2.3 of the Work/Rest Rules, the employee will also be governed by the provisions of subsection 5.2.3 of the Work/Rest Rules – the total on-duty time for the continuous tours of duty will be combined for the purpose of calculating mandatory off-duty time at the next location the employee goes off-duty.
7. If an operating employee does not exceed 10 hours on-duty prior to going off-duty upon the arrival at the company provided rest facility and return to duty after the expiration of 6 hours continuous off-duty time, exclusive of call time if applicable, as provided for in subsection 5.1.4 c) of the Work/Rest Rules, the employee's clock will be reset to zero and the employee will be governed only by the provisions of subsection 5.1.1 of the Work/Rest Rules – maximum duty times for a single tour of duty.

Change in Designation While Enroute

Question:

I am originally ordered to operate a train from A to Z. At a later point, while enroute, I am instructed to turn at R and return to A. How shall I be governed under the Work/Rest Rules?

Answer:

If you operate back to the home terminal on the same tour of duty, the 12 hour maximum duty time for a single continuous tour of duty would then be in effect, as prescribed by subsection 5.1.1.

If you are tied-up enroute and subsequently commence a new working tour of duty, subsections 5.2.1 and 6.2.3 would apply. That is, if you have been on-duty in excess of 10 hours at the time you go off-duty, you will be obligated to observe the mandatory off-duty time for operating employees at other than the home terminal. Also, you can choose to exercise your right not to accept a subsequent tour of duty in accordance with subsection 6.2.3. In either case, the railway company would be obligated to provide suitable accommodations for the operating employees to observe the mandatory and/or voluntary off-duty time, as the case may be.

Upon commencement of the subsequent tour of duty you would be governed by either subsections 5.1.1 or 5.1.3 and possibly 5.2.3, all of which depend on the amount of off-duty time observed between the two separate tours of duty.

If you are immediately deadheaded back to the home terminal, time spent deadheading may exceed the 12 hour maximum duty time, as prescribed by subsection 5.3.2.

Operating Employees Called to Work to More than One Away from Home Terminal

When operating employees are called to work to more than one away from home terminal, employees will be governed by the application of the Rules for “other than home terminals” when they go off-duty at each location. Upon the arrival at such terminals operating employees are no longer enroute.

Subsection 5.3 - Deadheading

Subsection 5.3.2

Question:

I work an assignment that is ordered from location A to location C. As part of this assignment, I set my train off at location B enroute and then drive a company vehicle from B to C whereupon I will go off-duty. Is the time spent driving from B to C considered deadheading following the expiration of maximum hours as provided in subsection 5.3.2?

Answer:

Although the Rules permit deadheading following the maximum hours of duty this will not apply where an employee, as part of a tour of duty, is required to set the train off en-route and then operate a company vehicle to a separate location where they are to go off-duty. All such time will be included in the calculation of maximum duty times in subsections 5.1.1 and 5.1.3. Therefore an employee cannot drive a company vehicle beyond the 12th, 16th or 18th hour on-duty.

Subsection 5.3.3

Mandatory off-duty time may be interrupted at other than the home terminal for the purpose of deadheading to the home terminal. In such circumstances, upon arrival at the home terminal the employee will require the mandatory off-duty time as stated in subsection 5.2.1 a) of the Work/Rest Rules.

(a) Question:

Can my mandatory off-duty rest be interrupted to deadhead home and who makes the determination?

Answer:

Yes, rest can be interrupted to deadhead home. Normally the choice is made by the employee, but a reasonable interruption by the company would be situations such as a derailment, major snow storm that the employee was not aware of when required to make the choice.

(b) Question:

What are the circumstances that might cause the company to interrupt my mandatory off-duty time?

Answer:

For example, in situations where road or line closures have or are likely to occur the company may deadhead me home to avoid extended stays at the away from home terminal. This would be a legitimate reason to interrupt mandatory off-duty time.

(c) Question:

If I get called to deadhead in the middle of my mandatory off-duty time at the away from home terminal can I be put on-duty on a train en route?

Answer:

No, you are on mandatory off-duty time.

Section 6 - Fatigue Management Plans

Subsection 6.1.1

Fatigue management is more than rules and regulations. Fatigue management plans outline the strategies, tactics and actions that will be used by a railway to reduce operating employee fatigue. Plans may vary by railway, but they will share similar components, which include, education and training, employee and train scheduling practices, emergency response requirements, alertness strategies, rest environment and work environment. Fatigue management plans are not necessarily lengthy or complicated documents. One would not expect a small railway operation (in terms of track, employees, traffic etc.) to have the same type of plan as a larger railway.

Subsection 6.2.1

Fatigue management plans, and changes to such plans, will be developed and implemented in cooperation between the railway companies and the National Legislative Director of each Union or their delegate.

Subsection 6.2.2 a) - Employee Work Scheduling Practices

Scheduling practices must support the following objectives:

- a) Operating employees commencing duty have had the opportunity to be rested and alert;
- b) Alertness can be sustained throughout the duty period.

Schedules should balance, to the extent possible, employee personal needs and railway operating requirements. Railways should explore and implement scheduling practices that consider circadian rhythms and manage those points in time when circadian rhythms are most likely to cause an employee to be sleepy. Scheduling consideration should be given to accommodating those times when an operating employee can obtain the maximum recuperative sleep opportunity.

Subsection 6.2.2 b) - Education and Training

Awareness, through education and training, is the foundation of an effective and successful fatigue management program. Operating employees, their families, unions and management need to understand and adopt strategies to manage fatigue in the railway industry.

Question:

Whose responsibility is it to develop and deliver the training contemplated by these Rules?

Answer:

Training will be jointly developed and delivered by the railways and designated representatives.

Subsection 6.2.2 c) – On-The-Job Alertness Strategies

In formulating a fatigue management plan consideration should be given to napping policies and guidelines as well as to terminal napping facilities. Opportunities on the road to provide napping in sidings, is an effective fatigue counter measure. Napping facilities (such as comfortable chairs in terminal) allow operating employees to rest as they wait for trains or prior to driving home at the end of a trip.

Question:

Who will develop the ‘napping policies’ if indeed they are to be developed?

Answer:

The policies will be developed by the railways and designated representatives.

Subsection 6.2.2 d) - Rest Environments

The key to restorative sleep is the quality of the rest environment. The fatigue management plan should develop criterion and tools for evaluating and upgrading facilities to provide the best possible opportunities for rest. This criterion should consider the use of soundproofing, blackout curtains, white noise generators, etc.

Subsection 6.2.2 e) - Work Environment

A fatigue management plan should outline methods of minimizing the adverse impact of work environment factors on employee fatigue. The effects of lighting, temperature, vibrations, noise etc., should be reviewed and addressed. The use of locomotive cab audio systems is one example of possible fatigue countermeasures.

Subsection 6.2.2 f) - Unusual Operating Conditions

An example of such a condition is an emergency situation. Because emergencies are not predictable and circumstances may vary, a fatigue management plan should outline the importance of managing fatigue during emergencies and service interruptions. The fatigue condition of the operating employees must be considered and the involved employees must be informed of the nature of the emergency and the plan to manage through it.

The Work/Rest Rules require a supporting fatigue management plan to be in place for any time when an operating employee works more than 12 continuous hours. The plan should establish criteria and provide implementation procedures for managing rest during short and long-term emergencies. It should outline systematic processes to shut down and start up work schedules interrupted by the emergency.

Question:

Who will develop such a plan?

Answer:

The railways and designated representatives will develop the plan.

6.2.2 g) - Unique Deadheading Circumstances

It is recognized that passenger operations may be equipped to provide on-board facilities to accommodate operating crews deadheading enroute. In applying this provision, other rest/alertness factors must be considered such as circadian rhythms, territory, and time of day.

Subsection 6.2.3 - Employee Involvement – Subsequent Tour(s) Of Duty

As outlined in subsection 6.2.3 of the Rules, employees have a responsibility to report for work rested and fit for duty. Many railways have processes in place that already provide rest provisions that allow employees to elect to take rest prior to a subsequent tour(s) of duty.

This satisfies the requirements of subsection 6.2.3 a) of the Rules. Those railways that do not have such processes must address this issue in their general fatigue management plans.

General Fatigue Management Plans should also address the circumstances under which operating employees in road service, who do not take rest, will be provided the option to take a break of up to 45 minutes off-duty between working tours of duty where the combined on-duty time will exceed 12 hours. Such a break is recommended in order to avoid “off and on” situations, which for all practical purposes would have operating employees in road service working 18 continuous hours on-duty time. The break should be such that the operating employees are completely relieved of operating responsibilities, are off the equipment and are at a location which allows for a meal or coffee. In passenger service, this could include taking a break on the train in a service car.

Subsection 6.2.4 - Specific Fatigue Management Plans

A specific fatigue management plan must be in place for employees working more than 12 continuous hours on-duty time for a single tour of duty to cover the extended hours. This includes employees working in any class of service.

"Specific" fatigue management plans are those plans developed pursuant to subsection 6.2.4 and are required to be filed with the department. It is not intended by the word "specific" that a multitude of plans will be filed. For example, it would be permissible to file one plan dealing with Work Trains that would address fatigue management in that class of service. It would not be necessary to file a separate plan for each individual work train unless the fatigue related conditions associated with the individual work train were not addressed in the filed plan. “Specific” work trains would then be bulletined or called in accordance with the terms of the filed plan.

Question:

Since the Rules allow operating employees on work trains to operate up to 16 hours and since work train service regularly requires work cycles which exceed the 64 hours on-duty in 7 day period (for example 5 on/2 off or 10 on/4 off), is a specific fatigue management plan still required for work train service?

Answer:

Yes. A plan is still required. The plan should set out the unique conditions of work train shifts that help mitigate fatigue issues associated the different work cycles and extended hours on-duty. However it should be noted that, once developed, this generic fatigue management plan would cover any work train shift with similar working conditions and a separate plan would not be required for every work train shift.

Section 7 - Filing/Reporting Requirements

A railway company shall file a report with the Department, as soon as possible, but in any event not later than 48 hours following when an Operating employee operates in excess of the maximum duty times permitted under these Rules in an emergency situation.

The railway must establish that excess service could not have been avoided.

Copies of such reports will be provided to the National Offices of the relevant Union organizations as referred to in the Specific Fatigue Management plans filed with the Department.