Work Rest Rules for Operating Employees:
Guidelines for British Columbia’s Provincial Industrial Railways

1. Short Title
1.1 These Guidelines may be referred to as the “Work/Rest Guidelines”.

2. Statements 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.

2.2 Railway companies shall establish and maintain working conditions that allow:
   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 Guidelines have been developed pursuant to section 21 (1) of the Railway Safety Act, (BC)

3.2 These Guidelines apply to railway companies and operating employees under the jurisdiction of the provincial Ministry of Transportation and Infrastructure;

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

4. Definitions
"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 of switching equipment;

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

"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;
"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;

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 shortages;
b) broken draw bars;
c) locomotive malfunctions;
d) equipment failure

e) broken rails;

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;

"Final Time" means arbitrary time associated with administrative duties at the end of a shift;

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

"MOTI" means the provincial Ministry of Transportation and Infrastructure;

"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;

"Operating Employee" means a locomotive engineer, car moving equipment operator, conductor, yardman, operator of remote control locomotives, as well as any person whose preponderance of time is spent in such classifications, working in any class of service who is physically involved in the switching, 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;

"Preparatory Time" means arbitrary time associated with administrative duties when preparing for a shift or tour of duty;

"Shift or Tour of Duty" means a single continuous period on-duty except split shifts, which are comprised of distinct duty periods, and

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

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. 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.
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.

5.1.3 The maximum combined on-duty time for more than one tour of duty, cannot exceed 18 hours between ‘resets’ as outlined in subsection 5.1.4.

5.1.4 The following is required to 'reset' the calculation of combined on-duty time to zero:
   a) 8 continuous hours off-duty time, ‘inclusive’ of call time, when entering into yard service or;

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.

5.1.7 Where a supervisor, non-operating employee or third party is deemed to be an operating employee, the on-duty times of the supervisor, non-operating 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 in section 5. Such persons must be able to demonstrate compliance with these Guidelines.

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) be subject to at least 8 continuous hours off-duty, ‘exclusive’ of call time if applicable.

5.2.2 Mandatory off-duty time shall commence at the point where the operating employee goes off-duty,

5.2.3 When the off-duty time between any shifts or tours of duty is less than three hours and the combined on-duty time of such shifts or tours of duty is 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 are not to be included in the calculation of on-duty time.

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, taking into account such items as size, complexity, traffic density, traffic patterns, 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).

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

7.1 A Fatigue Management Plan as outlined in subsection 6.1 must be filed with the MOTI.

7.2 Specific fatigue management plans referred to in subsection 6.2.4 and changes thereto must be defined in the railway’s Safety Management System.