

CONSULTATION SUMMARY: DUTY AND REST PERIOD RULES FOR OPERATING EMPLOYEES

Anticipated Impacts

Here are some of the possible impacts that have been identified based on the changes described below:

- The changes to the limits on weekly, monthly, and yearly hours may impact some railway operations and resourcing requirements.
- Incorporating fatigue management science into operations via plans specific to managing employee work schedules may require resources.

Timelines

Technical Safety BC proposes that provincial timelines mirror those provided by the federal government, with timelines commencing upon adoption of the rule into BC's regulatory framework.

Background

In late 2020, the Government of Canada adopted the new work rest rule for federally regulated railways. The updated rule also received a new title, "Duty and Rest Period Rules for Operating Employees" (Duty & Rest Period Rules). This updated rule represents the first major change in ten years and incorporates a more modern and evidence-based fatigue management approach to all railways in Canada.

The new regime represents a fundamental and important shift in how employee fatigue-related risks are managed in rail operations and is based on lessons learned from the aviation sector that rest periods are crucial to safe operating. The new rule came into effect federally on November 25, 2020, which includes a 30 month (implement date - May 25, 2023) phased in compliance plan for freight operations and a 48-month time period for passenger operations (implementation date - November 25, 2024).

Within 12 months of the implementation of the Duty & Rest Period Rules, railway companies are required to complete a new fatigue management plan. Transport Canada will conduct audits of these plans to ensure that the principles of fatigue science are being applied to employees' schedules. After the initial 12-month development phase, railway companies will be given a transitional 18-month period for freight operations and a 36-month period for passenger service in order to implement their new fatigue management plans.

Changes to the Duty & Rest Period Rules were made to mitigate the risks associated with fatigue. These new rules represent several changes to the existing rule, specifically placing new limits on the length of a duty period, increasing the length of the minimum rest period between shifts, and introducing a reset break that provides employees with a minimum amount of time away from work. Railway companies must additionally apply principles of fatigue science when scheduling the work of employees within the newly established parameters.

Summary of Changes

Canada's regulatory regime for employees in positions critical to safe railway operations has seen considerable alterations, specifically the rule regarding hours of work and rest. The following highlights the key changes that are now contained in the new Duty and Rest Periods Rules for Operating Employees:

1. The definition of **Emergency** has been retitled. Further language updates within the rule were made to ensure consistency with the new definition.

2. The new rule now allocates for a **reset break**, allowing employees a continuous period of time during which they are free from duty.
3. **Duty period definition** has been updated to include **all** employee hours on duty (i.e., as opposed to only hours working directly with rail-related operations).
4. Employees may now report to the employer if they believe they are not fit for duty without fear of reprisal.
5. The new rules clarify the allowable circumstances in which an employee may be required to work beyond a maximum duty period, or maximum cumulative duty periods.
6. In the latest version, there is now specific reference and differences within the rule as they apply to **passenger service vs. freight service**.
7. The new rule now put limits on the total number of hours that can be worked in a seven-day period, 28-day period, and one-year period.
8. **Maximum on duty** time duration is reduced from 16 hours to 12 hours.
9. **Rest periods** have been extended to a minimum 12 hours at home, and ten hours away from home from the previous eight hours at home, or six hours when away from home.
10. Managing fatigue is now deemed as a shared responsibility between a railway company and the employee.