



February 16, 2017

## **SHIFT LENGTH BREACHES AND YOUR SAFETY**

### **A Message for all Train Crew**

Over recent weeks there has been a marked increase of reports of Train Crew breaching their shift limits and Rail Safety Legislation Limits.

In NSW the following legislation applies to all Train Crew.

#### ***Working hours for rail safety workers driving freight trains***

*The following work scheduling practices and procedures apply to a rail safety worker who drives a freight train:*

- (a) in the case of a 2 person operation where the second driver is a qualified train driver (including a qualified train driver who is learning a route or undergoing an assessment)—the maximum shift length to be worked is 12 hours;*
- (b) in the case of any other 2 person operation—the maximum shift length to be worked is 11 hours;*
- (c) in the case of a 1 person operation—*
  - (i) the maximum shift length to be worked is 9 hours; and*
  - (ii) a minimum break of not less than 30 minutes must be scheduled and taken some time between the third and fifth hour of each shift;*
- (d) there is to be a break of at least 11 continuous hours between each shift worked by the rail safety worker if the worker ends a shift at the home depot;*
- (e) there is to be a break of at least 7 continuous hours between each shift worked by the rail safety worker if the worker ends a shift away from the home depot and the break is taken away from the home depot;*
- (f) in any 14 day period—the rail safety worker may work a maximum number of 12 shifts, but not more than 6 of these shifts may be 12 hour shifts.*

(Rail Safety National Law National Regulations 2012 - Schedule 2 Clause 2 - Special fatigue management program requirements in respect of certain rail safety work carried out within New South Wales)

Additionally all Enterprise Agreements have enforceable defined limits for shift lengths contained within them.

**These limits are there for member's safety and wellbeing. All members need to ensure they abide by these requirements.**

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In the case of breaching Rail Safety Legislation members can be held responsible and could face possible criminal proceedings if they knowingly and willingly breach requirements of such legislation.

In the case of breaching enterprise agreement requirements, your actions in doing so are eroding member conditions that your fellow workers have fought long and hard for, to provide you with decent conditions and work life balance.

Members should not be bullied, intimidated or feel compelled to break any legislative or EA condition and work over their shift length. You should make your supervisor aware of your hours in sufficient time to allow crew relief should you look like breaching your shift.

If your shift limit under Rail Safety Legislation looks like being breached you should advise the relevant Train Controller as well as your Supervisor.

## **DO NOT OPERATE OR PERFORM RAIL SAFETY WORK IF YOU HAVE BREACHED A LEGISLATED SHIFT LENGTH**

**As previously requested all shift breaches should be reported through to our office by using the following link;**

**<http://locoexpress.com.au/excessive-shift-length-form/>**

**Or**

**Email [excessshiftlength@rtbu-nsw.asn.au](mailto:excessshiftlength@rtbu-nsw.asn.au)**

**Or**

**Fax 02 9264 7679**

**Keep an eye on [locoexpress.com.au](http://locoexpress.com.au) for further updates. If you have recently changed your address or email, please remember to update it with us.**