TOWN OF SUSSEX POLICY

Subject		Number
HOURS OF CONTINUOUS WORK / MANDATORY REST PERIODS		P-11
Date JANUARY 18, 2016	*Approved by* COUNCIL [X] OTHER(S) [ ]	*Date:* JANUARY 13, 2016
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POLICY

The Town of Sussex is committed to maintaining a workplace in which workplace safety is part of everything we do and is just as important as anything we do. One expression of our commitment to workplace safety is the Town of Sussex Hours of Continuous Work / Mandatory Rest Periods Policy.

In all cases the primary purpose of this policy is to address and to maintain an alert and safe workforce and provide workplace practices that recognize the effects of fatigue on employees when working extended and prolonged hours.

APPLICATION OF POLICY

This Policy applies to all Town employees, who work outside, including Works Department employees, Community Services Department employees, Sussex Fire Department employees, Management employees and persons working on behalf of the Town inclusive of Contractors, Grant Program Employees, and Students.

Employees at every level, including management, are responsible and accountable for the Municipality's overall safety initiatives and methods to manage fatigue. The Town of Sussex is committed to the workplace safety and welfare of all employees effective through prevention, education, and awareness of the rest being a part of the Town's operational practices with the ultimate goal of reducing workplace accidents. Our goal is to educate, promote and encourage the practice of safety while reducing unsafe acts and hazardous conditions for the good of all, directly or indirectly, involved with the Town of Sussex.

PURPOSE OF POLICY

The purpose of this policy is to facilitate the implementation of a Town of Sussex requirement that continuous hours of work are managed to maintain appropriate mandatory rest periods form part of the Town's operational programs implemented by Town of Sussex employees, by contractors working on Town of Sussex infrastructure, on the Town's behalf.

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DEFINITIONS

EXTREME EMERGENCY: for the purposes of this policy is as defined in the Collective Agreement between the Town of Sussex and the Canadian Union of Public Employees, Local 2163 and states as follows

a) "Emergency" *means something not known twelve (12) hours in advance;*
b) and *shall mean a snowstorm, sewer trouble, flooding where damage of property is extensive or any other situation whereby the Town of Sussex declares a State of Local Emergency, or in the event of a national emergency.*

EMPLOYMENT STANDARDS ACT: for the purposes of this policy the sections of the Act dealing with hours of work are included for clarity and reference and state as follows,

WHEREAS the Employment Standards Act of the Province of New Brunswick, Chapter E-7.2 R.S.N.B. (1982) and amendments thereto, specifically Section 14 of the Act, states:

HOURS OF WORK

14. Subject to sections 17, 39 and 41 and to any other Act, there is no limit on the number of hours an employee may work during any daily, weekly or monthly period.

17(1) Where an employer employs *an employee other than;*

a) *An employee who in the opinion of the Director is required to cope with an emergency; or*
b) *An employee who is not usually employed for more than three hours in any one day;*

The employer shall give to the employee a weekly rest period of at least twenty-four consecutive hours, to be taken, if possible, through Sunday or, if the Director approves, to be accumulated and taken later, either part at a time or all together.

STANDBY: for the purposes of this policy Standby means the status of any employee due to operational readiness by that Town Employee where by agreement and compensation the

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employee is available for work should the need arise outside normal working hours of the department on call. It does not mean a Call In as defined in the Collective Agreement between the Town of Sussex and the members of the Canadian Union of Public Employees, Local 2163.

WINTER MAINTENANCE: for the purposes of this policy Winter Maintenance is defined as all maintenance activities undertaken during a snow event that require plowing and movement of snow and ice on the streets within the municipal boundaries of the Town of Sussex during a snowstorm, referred hereinafter as Snowplowing.

Winter Maintenance also includes plowing of all sidewalks adjacent to the roads and street, applying salt, sand, and other appropriate abrasive materials during a snowstorm.

For the purposes of the Policy Winter Maintenance does not include the removal, piling or depositing of the snow and ice that is removed from the streets or roads, and as such, under this policy snow removal shall be considered as a normal operation separate and apart from operations described as Emergencies or Extreme Emergencies.

POLICY STATEMENT:

WHEREAS the Town of Sussex and C.U.P.E. Local 2163 are desirous of developing a Policy that addresses effective and safe municipal operations including those times during winter maintenance operations, times of extreme emergencies, and times when a State of Local Emergencies implemented by Declaration of the Sussex Town Council requires extended working hours and by implementing mandatory rest periods under the following working conditions;

MAXIMUM HOURS OF WORK DURING NORMAL OPERATIONS:

Employees during normal working operations shall not work beyond a period that either the Operator, Employee; or, the Employee's Supervisor determines to be a safe limit given the task or municipal operation being undertaken during the work period. The Employee's working hours will be normally limited to a maximum of sixteen (16) continuous hours excluding two (2) half hour meal breaks. After a continuous period of employment of sixteen (16) or more hours, employees shall be entitled to a mandatory eight (8) hour unpaid rest period to be served off site and away from the place of employment.

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Every off shift when time that elapses for eight (8) or more continuous hours regardless of the day, time and or situation that starts the unpaid rest period shall, reset the work shift.

This policy is written to indicate the employer where practical and where operations permit, most employees must receive at least:

a) 24 consecutive hours off work in each work week, normally observed on Sunday, unless the employee is engaged in shift work at the place of employment,

OR;

b) 48 consecutive hours off work in every period of two consecutive work weeks.

This policy or provisions do not apply for employees who are on "standby" during the standby period. Once the standby employee is called in, the provisions of this policy for continuous hours of work inclusive of mandatory rest periods as defined in this policy shall apply.

MAXIMUM HOURS OF WORK DURING A SNOWSTORM, FLOODING, or SEWER TROUBLE:

Employees; operating winter maintenance equipment involved in Snowplowing, flooding, or sewer trouble where damage of property is excessive during times of Extreme Emergencies as defined above shall be deemed outside the normal working operational practices and as such an employee shall not work beyond a period that either the Operator, or, the Operator's Supervisor determines to be a safe limit given the type of activity being undertaken during the work period.

The Employee's working hours will be normally limited to a maximum of sixteen (16) continuous hours excluding two (2) half hour meal breaks. After a continuous period of employment of sixteen (16) or more hours, employees shall be entitled to a mandatory six (6) hour unpaid rest period to be served off site and away from the place of employment at a location chosen by the employee.

Every off shift when time that elapses is six (6) or more continuous hours regardless of the day, time and or situation that starts the unpaid rest period, resets the work shift.

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This policy or provisions do not apply for employees who are on "standby" during the standby period. Once the standby employee is called in, the provisions of this policy for continuous hours of work inclusive of mandatory rest periods as defined in this policy shall apply.

MAXIMUM HOURS OF WORK DURING STATES OF LOCAL EMERGENCY:

When a Declaration of a State of Local Emergency by the Town of Sussex Town Council employees may be required to work continuous hours without rest as the emergency situation warrants and the number of Employees required during the Declaration of a State of Local Emergency will depend on the circumstances of the emergency and may change with time. During these times it may be necessary to avoid serious interference with the ordinary working of the employer's establishment or operations, if:

- there is a Declared State of Local Emergency,
- something unforeseen occurs to ensure the continued delivery of essential public services, regardless of who delivers these services, even if the employee only indirectly supports these services.
- something unforeseen occurs, to ensure that continuous processes are not interrupted
- something unforeseen occurs, to ensure that seasonal operations are not interrupted
- but only so far as is necessary to avoid serious interference with the ordinary working of the employer's establishment or operations.

Some examples are, but not limited to:

- natural disasters (such as very extreme weather)
- major equipment failures
- fire and floods.

The Employee's working hours may not be limited during the Emergency event or the duration of the Declaration of the State of Local Emergency.

The employer, during the period of the State of Local Emergency shall assign a staff member to assist in maintaining an effective rested work force inclusive of the outside workers. This staff oversight shall once the emergency response is ramped up to an effective response shall begin to implement rest periods for all staff involved in that emergency, and, the prescribed or

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directed rest period shall be deemed mandatory and undertaken without exception regardless of seniority, position, or normal operational practice during the period of the State of Local Emergency.

This policy or provision shall only apply to those employees working within the emergency zone, to support the emergency response within the emergency zone, or hot zone.

Those employees working in maintaining normal operations of the municipality not affected by the emergency shall not be subject to this extreme emergency provision.

OTHER NOTES AND STATEMENTS:

This policy does not apply for employees who are on "standby" during the standby period. At the time the "standby" employee is called in, the provisions of this policy for continuous hours of work inclusive of mandatory rest periods as defined in this policy shall apply.

For the purposes of clarity of this policy, the work period for an employee performing work under normal operations, and for circumstances unforeseen that continue into an emergency situation shall for the purposes of calculation of continuous hours worked; all hours worked in both situations shall be considered in the total calculation of each employee's hours worked during that continuous period of work.

For the purposes of this policy an eight (8) hour rest period during normal operations or a six (6) hour rest period in an emergency are required to reset the work shift or calculation of continuous hours of work. No efforts shall be made to require calling in an employee to work during the prescribed mandatory rest period.

For the purposes of this policy the beginning of the mandatory rest period may fall within an Employee's regular work day or hours of work defined in the Collective Agreement between the Town of Sussex and members of the Canadian Union of Public Employees, Local 2163. In these situations the Employee shall be entitled to his or her normal rate of pay for those hours affected by the mandatory rest period during the employees normal hours of work.