

## Emergency Hours of Work Policy



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Human Resources	February 18, 2020	29-2020	1	4
Subsection	Repeals By-Law Number		Policy Number	
General	143-2010		HR-2-21	

### Policy Statement

It is the policy of the City of Kenora to comply with all applicable legislation when managing hours of work for City employees.

### Purpose

The purpose of this policy is to provide guidance to Supervisors when managing hours of work for City employees beyond the regular hours of work. It is designed to address work performed during *emergency* or *exceptional circumstances* when employees are required to work additional hours.

### Procedure

In *emergency* or *exceptional circumstances* employees will be allowed to work a maximum of sixteen (16) consecutive hours, providing that they have had at least eight (8) consecutive hours off since the end of their last work period. If they have not had eight (8) consecutive hours off since the end of their last work period, any additional hours they work will be added to the hours from their last work period(s) until they reach a total of sixteen (16) hours worked. At that point they would be required to take eight (8) consecutive hours off before reporting for work again.

### Scope

This policy applies to all City of Kenora employees.

### Definitions

**Exceptional Circumstances** – Section 19 of the Employment Standards Act reads as follows:

19. An employer may require an employee to work more than the maximum number of hours permitted under section 17 or to work during a period that is required to be free from performing work under section 18 only as follows, but only so far as is necessary to avoid serious interference with the ordinary working of the employer's establishment or operations:

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1. To deal with an emergency.
2. If something unforeseen occurs, to ensure the continued delivery of essential public services, regardless of who delivers those services.
3. If something unforeseen occurs, to ensure that continuous processes or seasonal operations are not interrupted.
4. To carry out urgent repair work to the employer's plant or equipment. 2000, c. 41, s. 19.

**Emergency** – Section 3. (1), and subsections 4 and 4.1 of the Ontario Regulation 555/06 of the Highway Traffic Act read as follows:

3. (1) Subject to subsection (3), a driver and operator are exempt from this Regulation while the driver is driving a commercial motor vehicle of a type and in the circumstances described in any of the following paragraphs:

4. A vehicle engaged in providing relief in an emergency, being a situation or impending situation that constitutes a danger of major proportions to life, property or the environment, whether caused by forces of nature, an accident, an intentional act or otherwise.

4.1 A vehicle operated by or on behalf of a municipality, road authority or public utility while responding to a situation or impending situation that constitutes an imminent danger, though not one of major proportions, to life, property or the environment, whether caused by forces of nature, an accident, an intentional act or otherwise.

### **Responsibility**

It is the responsibility of the Supervisor to monitor the hours of work of employees under their control. The Supervisor shall take all measures reasonable to ensure that no employee works in excess of sixteen (16) consecutive hours and that all employees have a period of at least eight (8) hours free from work between work periods.

It is the responsibility of both the Supervisor and the employee to monitor for fatigue. Should the employee become fatigued prior to reaching their maximum hours of work, the employee will be sent home for a rest period of at least eight (8) consecutive hours.

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### Application

Below are some examples of how this policy would be applied:

- 1) An employee who reports for work at 8:00am could, in the event of *emergency* or *exceptional circumstances*, be asked to stay until 1:30am (assuming 90 minutes in meal breaks are taken), at which time they would be required to take eight (8) consecutive hours off before reporting for work again.
- 2) An employee who completes their regular shift at 4:30pm and goes home and is subsequently called back to work less than eight (8) hours later (i.e. before 12:30am) could work up to eight (8) hours before they would be required to take their eight (8) hour rest period.
- 3) An employee who completes their regular shift at 4:30pm and goes home and is subsequently called back to work more than eight (8) hours later (i.e. after 12:30am) could work up to sixteen (16) hours before they would be required to take their eight (8) hour rest period.
- 4) Regardless of the number of hours the employee works in addition to their regular shift, they must take eight (8) consecutive hours off before reporting for work again. For example, if an employee is called back to work at 11:00pm and they work until 1:30am, they would be required to have eight (8) hours of rest before reporting for regular duties again so they wouldn't return to work until 9:30am. Any hours of the required rest period which coincide with the employee's regular work shift will be treated as work hours and the employee will be paid for all hours at the applicable rate of pay.
- 5) During any *emergency* or *exceptional circumstances*, when the employee is working hours in addition to their regular work shift, the employee and Supervisor must monitor for fatigue. Should the employee become fatigued, they will be required to go home for a minimum eight (8) hour rest period.
- 6) Drivers of CVOR vehicles are reminded that they can work a maximum of 16 hours in a day but they are not allowed to drive after 14 hours on-duty time, or after 13 hours of driving time. They must then have an off-duty period of at least eight (8) consecutive hours before being allowed to drive again.

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### **Exceptions**

Supervisors wishing to make exceptions to this policy will do so only with the approval of a Senior Leadership Team member and only in those situations when all alternatives have been exhausted.

### **Training**

All Senior Leadership Team Members, Supervisors, and employees who may be affected by this policy will receive training on the applicable legislation and the application of this policy.

### **Legislative Reference**

Employment Standards Act, 2000, S.O. 2000, C. 41  
Highway Traffic Act – O. Reg. 555/06