

# HOER Rules (Hours of Employment and Period of Rest Rules 2005)

## Definitions

- Full night : period between 10 pm and 6 am
- Long-on : a period of duty over 8/10/12 hours in case of Intensive/Continuous/Essentially Intermittent workers respectively.
- Roster : Document which shows the hours a Railway employee is expected to be on duty every day, the daily as well as weekly rest and break between spells of duty in a day.
- Short-off : A period of rest which is

- In case of Intensive workers less than 12 hours in a roster of six hours duty and less than 14 hours in a mixed roster of 6 and 8 hours duty.

- In case of Continuous workers less than 10 hours.

- In case of Essentially Intermittent workers less than 8 hours.

## Authority to Classify

- Power to declare the employment of a Railway employee Intensive or Essentially Intermittent vests with Head of the Railway Administration which can be delegated to Chief Personnel Officer.
- During emergency situations it can be exercised by an Officer not below the rank of Senior Scale.
- A copy of every declaration of classification shall be sent to Regional Labour Commissioner and if it is made by an Officer (Sr Scale) a copy to be sent to Head of the Railway Administration and Chief Personnel Officer.

## Appeals against Classification

- Any Railway employee aggrieved by a declaration of classification may prefer an appeal to Regional Labour Commissioner within 90 days of the date of declaration. RLC may after scrutiny of documents or fresh job analysis may order for a change in classification.
- Any Railway employee of Railway Administration aggrieved by a decision of Regional Labour Commissioner may prefer an appeal to the Secretary to the Government of India, Ministry of Labour before the expiry of 90 days from the date on which the decision of Regional Labour Commissioner is communicated.

## Classification

1. Continuous: The employment of a Railway employee is said to be continuous except when it is excluded or has been declared to be Essentially Intermittent or Intensive.
2. Essentially Intermittent : The employment of a Railway employee is said to be Essentially Intermittent when it has been declared to be so by the prescribed authority on the grounds that daily hours of duty of the Railway employee normally include periods of inaction

aggregating to 50% or more (including at least 1 such period of not less than 1 hour or 2 such periods of not less than half an hour each) in a tour of 12 hour duty (on the average over 72 consecutive hours) during which the Railway employee may be on duty, but is not called upon to display either physical activity or sustained attention.

3. Excluded : The employment of a Railway employee is said to be Excluded if he belongs to any one of the following categories,

- Railway employee employed in managerial or confidential capacity.
- Armed guards or other personnel subject to discipline similar to that of any armed police forces.
- Staff of the railway schools imparting technical training or academic education.
- Such staff as may be specified as supervisory.
- Matrons
- Sisters-in-charge
- Matrons not on regular shift duty in Railway Hospitals
- Health Educators and District Extension Educators
- Family Planning Field workers
- Lady Health Visitors
- Auxiliary nurses-cum-midwives
- Projectionists.
- Other categories prescribed.
- 4 . Intensive : The employment of a Railway employee is said to be Intensive when it has been declared to be so by the prescribed authority on the ground that it is of a strenuous nature involving continued concentration or hard manual labour with little or no period of relaxation.

### Supervisory Staff

- Ministry of Labour by written order specify Railway employees or classes of Railway employees as supervisory on the ground of holding a position of responsibility employed on duties mainly of supervisory character and because of his nature of work comparatively free to adjust his hours of duty or work.
- Copy of every such order shall be send to Chief Labour Commissioner, New Delhi.

### Criteria for Classification

1. Continuous : All Railway employees except those excluded from Hours of Employment Regulations are assumed to be 'Continuous'. Thereafter on the basis of factual job analysis, it may be classified as Essentially Intermittent or Intensive.
2. Intensive : Two important factors in declaring and employment as Intensive are : (i) strenuous nature of the work tending to cause mental or physical strain (ii) continuous application to such work with little or no period of relaxation. This is considered to have been satisfied where period of inaction or relaxation do not aggregate 6 hours or more in a cycle of 24 hours or one hour or more in a shift of 8 hours.
3. Essentially Intermittent : If daily duty hours which should be assumed to be 12 hour/day include
  - one period of inaction of not less than one hour or two such periods of not less than half an hour each AND
  - various periods of inaction (including that above) aggregating 50% or more during which he is not called upon to show either physical activities or sustained attention.

- NOTE : In calculating above, periods of inaction of less than 5" shall be ignored.

	Standard Hours	Statutory Limit(Sec 132 of Railways Act 1989)	Preparatory & Complementary work
Intensive	42 h /week	45 h /week	3 h /week
Continuous	48 h /week	54 h /week	6 h /week
Essentially Intermittent	48 h /week + 12/24 h additional hours*	75 h /week	3 or 4 1/2 h /week *

\* (i) Gateman 'C' , Caretakers, Chowkidars & Saloon Attendant and Railway employees in roadside stations provided with quarters within 0.5 km of place of duty - *24 h additional duty and 3h/week Preparatory & Complementary work*

(ii) Other Railway employees in EI roster - - *12 h additional duty and 4 1/2 h/week Preparatory & Complementary work*

- Preparatory & Complementary work is treated as:
  - When it is less than 15 min - not treated as duty, not exhibited in roster
  - 15 min to less than 45 min (Continuous ) - half an hour
  - 45 min to 1 hour (Continuous ) - one hour
  - For Intensive & EI 15 min to 30 min is treated as half an hour
- Total hours for Preparatory & Complementary work shall be fixed so as not to exceed maximum hours.

### Running Staff

- Running staff will have a link roster with standard hours 104 hours and statutory limit of 108 hours.
- Link should be such that it wont exceed 10 hours from "*signing on*" to "*Signing off*".
- They are given 4 periods of rest 30 consecutive hours or 5 periods of 22 consecutive hours each including a full night.

### Split duty

- Spells of duty shall not exceed 3 and no of breaks not to exceed two.
- In case of employment of Continuous nature Railway employee whose place of residence is beyond 1.6 km from the place of duty seven hours of split duty shall be treated as equivalent to 8 hours of normal duty.
- While preparing rosters long on and short off shall be avoided.

# Overtime Allowance

## Principle of averaging

- Averaging shall be done by averaging the hours of work over the averaging periods (that is a week in case of EI and two-weekly in case of Continuous and Intensive rosters).
- This shall apply to:

(i) Running staff

(ii) Operating staff

(iii) Shift workers

(iv) other Railwa employees whose work is connected with the work of any of these categories.

## Calculation

Between rostered hours of work and statutory limit during the averaging period	1 1/2 times the ordinary rate of pay.
For excess hours beyond limit prescribed in Sec 132 of Railways Act	2 times the ordinary rate of pay.

- Hourly rate of overtime shall be calculated on the basis of rostered hours over the relevant averaging period as

<b>For staff governed by the averaging principle</b>	
Period of averaging	
-----	x 1/30 of MORP*
No of rostered hours of work in the averaging period	
<b>For staff not governed by the averaging principle</b>	
1	
-----	x 1/30 of MORP*

No of daily rostered hours of work

\* MORP - Monthly Ordinary Rate of pay

- Particulars of all extra hours of work done by a Railwa employee beyond prescribed rostered hours of duty shall be recorded in a register to be maintained as per Form A
- With effect from 01.09.2008 emoluments for overtime allowance will comprise basic pay(Pay + Grade pay), DA, Transportation Allowance.
- For Running staff 30% of basic pay as element of Running Allowance will be also taken into account for calculation.