

HOURS OF EMPLOYMENT REGULATIONS (HOER)

Introduction

The formation of the International Labour Organisation in the year 1919 has paved the way for various enactments on the labour welfare all over the world. This mighty organisation, in its first conference held at Washington had recommended to the Government of India to adopt the principles of 60 hours of work per week. The General Conference of ILO held at Geneva during the year 1921, aimed at providing weekly rests in the industrial undertakings.

In order to implement the provision of the Washington and Geneva Conventions, the Government of India incorporated the rules regulating hours of employment and periodic rest to Railway employees in the Indian Railways Act 1890 and by an amendment in the year 1930, which was soon followed by the issue of Railway Servants (Hours of Employment) Rules, 1931 on the basis of chapter VI – A of the Indian Railways Act, 1890. On representations made to the Government of India, for the modification of this rule, duly accepting the recommendations made by the Hon'ble Justice G.S. Rajadhaksha, I.C.S. who was appointed as an adjudicator, on matters of Hours of Work, Periodic Rest, Leave Reserve, etc., the Government of India issued the Railway Servants (Hours of Employment) Rules, 1951. Subsequently the Indian Railways Act was amended in the year 1956 incorporating the recommendations of the Adjudicator and the Railway Servants (Hours of employment) Rules 1961 was issued.

Thereafter on the basis of recommendations made by Railway Labour Tribunal in the year 1969, (Miabhoy Tribunal) on a review, orders revising the rules in regard to Hours of Work, Overtime, Periodic Rest etc. have been issued by the Government of India in the year 1974, with effect from 01.08.1974.

The Hours of Employment Regulations consists of-

- Statutory provisions contained in Railways Act 1989.
- Railway Servants (Hours of Work & Period of Rest) Rules, 2005.
- Subsidiary instructions issued by Railway Board.

Objective

It regulates the hours of employment and makes provisions for periodic rest and overtime allowance to Railway employees.

Applicability

Hours of Employment Regulations are applicable all Non-Gazetted Railway servants including Casual Labourers and Substitutes, excepting those who are governed by the Factories Act, Mines Act, Minimum Wages Act and the Merchant Shipping Act.

Classifications

All Non-gazetted Railway Servants are classified into four classifications namely-

- Intensive
- Essentially intermittent
- Excluded and
- Continuous

Intensive

The employment of a Railway servant is said to be Intensive when it has been declared to be so by the prescribed authority on the ground that it is of strenuous in nature involving continued concentration or hard manual labour, with little or no period of relaxation.

The duty should involve sustained and strenuous attention or hard physical exertion. In a cycle of 24 hours of duty, the period of inaction or relaxation should be less than six hours in aggregate and in a period of 8 hours shift the period of inaction, rest or relaxation should be less than one hour in aggregate. The term sustained attention implies mental effort. For example, a Pointsman waiting for the arrival of the train after setting points requires to give sustained attention.

E.g. Traffic Section Controllers, Cabin Station Masters of busy stations and Telephone Operators of busy Telephone Exchanges, etc.

Essentially Intermittent

The employment of a Railway servant is said to be Essentially Intermittent when it has been declared to be so by the prescribed authority on the ground that the daily hours of duty of the Railway servant normally includes periods of inaction aggregating 6 hours or more, including at least one such period of not less than one hour or two such periods of half an hour each, during which the Railway servant is not called upon to display either physical activity or sustained attention. While assessing the workload of the EI workers, the period of inaction of less than 5 minutes should be counted as duty.

E.g. SCP, 'C' Class level crossing Gate Keepers, Bungalow Lascars, Saloon Attendants, Care Takers of rest houses, etc.

Excluded

The employment of a Railway servant is said to be excluded, if he belongs to any one of the following categories.

- Staff employed in confidential Capacity.
- Armed guards or other personnel employed in similar discipline.
- Staff classified as Supervisors.
- Staff of Railway Schools imparting technical or academic education.
- Health visitors, Extension Educators, Matrons of Railway hospital, Sisters in- charge of operation theatres, having no shift duty.

Continuous

The employment of a Railway servant is said to be continuous when it has not been classified either as Intensive or as Essentially Intermittent or as Excluded.

E.g. Office Clerks, TTE, Drivers, Guards, Trackman etc.

Important Provisions of HOER

Classification	Normal Duty Hours/Day	Normal Duty Hours/Week	Statutory limit per Week	Periodic Rest
Continuous	8/10 Hours.	48+3(P&C) and 48+6 (P&C) Hours.	54Hours.	30 consecutive hours. Running Staff- 4 periods of not less than 30 consecutive Hours or 5 periods of not less than 22 consecutive Hours each including one full night in bed per month.
Intensive	6/8 Hours.	42+3(P&C) Hours	45Hours.	30 consecutive Hours.
E.I. (*)	8 standard Hours + 4 additional Hours.	48 + 24 Hours + 3 (P&C) Hours.	75Hours.	24 consecutive Hours Including a full night in bed.
E.I. (**)	8 standard Hours + 2 additional Hours.	48 + 12 Hours + up to 6 Hours of P&C	75Hours.	24 consecutive Hours including a full night in bed.
Excluded	Provisions related to rostered hours per day and per week, statutory limit, periodic rest are not prescribed.			

(*) In respect of employees working in way side stations provided with quarters within 0.5 kms and care takers of Rest houses, waiting rooms and reservoirs, c-class level crossing Gate Keepers, Saloon Attendants, Bungalow Lascars, irrespective of their head quarters and whether they have been provided with quarters or not. (**) In respect of employees working in important stations and those who are working in wayside stations not provided with quarters within 0.5 kms.

Preparatory and Complementary work(P & C)

If the time taken for preparatory and or complimentary work, is 15 minutes or more on each occasion it should be included in the rostered hours subject to the maximum of statutory limits prescribed. In the case of Railway servants classified as continuous the P&C time between 15 to 45 minutes will be taken as half an hour and 45 minutes to one hour as one hour. In the case of Intensive and EI the P&C time between 15 to 30 minutes will be treated as half an hour.

Long on

It is a period of duty (exclusive of the period or periods of interval) for long hours and spreads over 8 hours in the case of Intensive, over 10 hours in the case of continuous and over 12 hours in the case of EI.

Short off

It is a period of rest between the end of one rostered duty and the beginning of the following rostered duty. It is less than 12 hours in a roster of 6 hours and less than 14 hours in a mixed roster of 6 hours and 8 hours, in the case of intensive and less than 10 hours in the case of continuous and less than 8 hours in the case of EI classification.

Long on and Short-off should be avoided while framing the roster.

Split shift

It means a shift, which is punctuated with intervals. During intervals the employee is free to leave the work spot. Splits of duty should not exceed three in all with the number of intervals being two. Any interval of less than half an hour should be treated as duty. If there are three spells of duty, quarters should be provided.

Spread over

It is a period that includes spells of duty and periods of intervals. As far as possible, the spread over should not exceed 16 hours, provided, the rest between 22 hours and 6 hours, is not broken. It should be limited to 14 hours if the rest between 22 hours and 6 hours is broken.

Duty hours for Running Staff

Running staff are classified as continuous under HOER. There is no prescribed roster for Running staff and they normally work on link basis in a deemed roster up to 104 hours in a fortnight, with a statutory limit of 108 hours.

Compensatory Rest

A Railway servant exempted from the provisions of grant of periodical rest shall, as far as possible be granted compensatory rest for the period of rest he has foregone, within one month.

Overtime

For the purpose of calculating overtime, the Railway servants are classified into two groups namely Averaging group and Non Averaging Group.

Averaging Group

Staffs performing train passing duties and shift duties are coming under this group E.g., Driver, Guard, TTE etc.

Non-Averaging Group

Office clerks, Trackman etc. are coming under this group.

Calculation of OTA

OTA is calculated for duty beyond the rostered hours and up to the statutory limit @ 1.5 times of the hourly rate of pay and for duty hours beyond statutory limit @ 2 times of the hourly rate of pay.

Allowance for Travelling on Duty

A worker not provided with facility of crew rest van travels as passenger on duty on any day beyond a radius of 8 Kms. from his place of duty all time spent for traveling from the time he commenced journey from the place of his duty will be treated as duty.

Job Analysis

Classification of employees as Intensive, Continuous or Essentially Intermittent is decided by a method of job analysis. Job analysis is conducted for a period of 72 consecutive hours. CPO is the competent authority to order classification and change in classification.

Appeal against classification or reclassification should be addressed to the Regional Labour Commissioner. Compliance on the decision of RLC should be addressed to the Ministry of Labour and Employment.

Notices to be Displaced

- Notification specifying the classification of the Railway servants, duration of hours of employment and period of rest must be displayed in every office.
- Copy of chapter XIV of Railways Act 1989 and an extract of HOER 1961 in Hindi and English.

Registers to be maintained

Attendance register, Register of Abrogated rest, Register of extra hours worked etc. are to be maintained in work spots.

Leave Reserves

Operating staff	16 2/3% to 30 %
Running staff	15% to 30%
Commercial staff	15% to 25%
Office clerks	12.5%
Group D staff and Technicians etc.	12.5%

Rest Giver

Intensive	No RG is required when P&C time is not included in the roster and One RG is required for every 12 employees when P&C time is included in the roster.
Continuous	One RG for every 6 employees.
E.I	One RG for 6 employees or one RG for 3 employees or 2RG for 5 employees depending on their place of duty and provision of quarters.

