## HOURS OF WORK & OVERTIME (DRIVERS)

[Organization Name] is committed to ensuring its highway motor vehicle operators work in accordance with the Motor Vehicle Operators Hours of Work Regulations of the *Canada Labour Code* and the *Motor Vehicle Transport Act*.

DEFINITIONS

The following definitions were sourced directly from the Motor Vehicle Operators Hours of Work Regulations (C.R.C., c. 990):

*“Employer* means a person who operates an industrial establishment described in section 3.”

*“Highway motor vehicle operator* means a motor vehicle operator who is not a bus operator or a city motor vehicle operator.”

*“Off-duty time”* means any period other than on-duty time (or working hour time as defined below).

*“Working hours* means: all hours from the time that a motor vehicle operator begins their work shift as required by their employer until the time they are relieved of their job responsibilities but does not include any time:

1. during a work shift when the driver is relieved of their job responsibilities by their employer for authorized meals and rest while en route,
2. spent during stops en route due to illness or fatigue,
3. resting en route as one of two operators of a motor vehicle that is fitted with a sleeper berth, or
4. resting while en route in a motel, hotel or other similar regular place of rest where sleeping accommodation is provided.”

POLICY

In addition to compensating our staff properly, safety is our number one concern. We will, therefore, ensure our drivers get the appropriate time-off from driving as outlined by the government, to ensure drivers are safe and alert while on the road.

Weekly Hours

As per the Regulations, the standard hours of work for a highway motor vehicle operator may exceed 40 hours per week, but not 60 hours per week.

On weeks when there is a general holiday, the standard hours of work will adjust as follows: hours may exceed 32 hours but shall not exceed 50 hours.

Daily Maximums and Mandatory Rest

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# In accordance with the Commercial Vehicle Drivers Hours of Service Regulations (SOR/2005-313):

* Drivers may not drive after they have accumulated 13 hours of driving time, unless the driver takes at least 8 consecutive hours of off-duty time before driving again
* Drivers may not drive after they have accumulated 14 hours of on-duty time in a day unless the driver takes at least 8 consecutive hours of off-duty time before driving again
* Drivers may not drive after 16 hours of time have elapsed between the conclusion of the most recent period of 8 or more consecutive hours of off-duty time and the beginning of the next period of 8 or more consecutive hours of off-duty time.

Further to the above, with respect to daily off duty time (Source: *Motor Vehicle Transport Act*):

* Drivers must take at least 10 hours of off-duty time in a day.
* Off-duty time other than the mandatory 8 consecutive hours may be distributed throughout the day in blocks of no less than 30 minutes each.
* The total amount of off-duty time taken by a driver in a day shall include at least 2 hours of off-duty time that does not form part of a period of 8 consecutive hours of off-duty time.

Weekly Day of Rest

[Organization Name] will ensure that every driver has at least one full day off each week, preferably on Sunday. Averaging is not permitted for highway motor vehicle operators.

Records of Work

[Organization Name] will keep detailed and accurate logs of each driver's hours to be used to calculate overtime pay. All of our trucks are monitored by GPS tracking and electronic logs. These logs will be kept for at least 36 months.

Overtime

At [Organization Name], truck drivers will, at times, be requested to work hours above their usual hours of work. For the purposes of this policy, hours worked beyond a truck driver’s usual number of hours but below the overtime threshold of 60 hours weekly (or 50 hours in a week which includes a general holiday) will be paid in straight time.

Overtime will be paid for any hours in excess of 60 hours worked in any given week (or 50 hours in a week which includes a general holiday). Overtime will be paid at a rate of time and one half the employee’s usual rate of pay. If the total of daily overtime is different from the total of weekly overtime hours, the greater of the two is used to calculate overtime pay.

All overtime hours must be authorized by a supervisor/manager in advance of being worked. In the event of an emergency, the hours may be worked but a manager/supervisor must be informed as soon as possible. Failure to adhere to these guidelines will result in the corrective action process.

Time in Lieu (delete if not a program)

[Organization Name] may at times request that employees participate in a time in lieu/banked time off program. This is subject to employee agreement and will be noted either electronically or in writing if it is agreed-upon. For time banked above an employee’s regular hours, up until the overtime threshold, time will be banked as straight time. For any hours worked above the overtime threshold of 60 hours in a week, these hours will be banked as time and one half in relation to an employee’s usual rate of pay.

Banked time must be taken within three months of the week in which it was earned. On occasion, [Organization Name] may request that an employee takes this time at a later date. With the employee’s agreement, this time away may be taken within 12 months of when the time was earned.

In the event the employee is separated from [Organization Name] before they have taken the extra time, the employee will receive the hours banked on their final pay cheque.

[Organization Name] will maintain records of all time in lieu agreements, including hours worked and hours that have been paid out.