## HOURS OF WORK AND OVERTIME (DRIVERS)

[Organization Name] is committed to ensuring its vehicle operators work in accordance with the *Alberta Employment Standards Code* and the Drivers’ Hours of Service Regulation of the *Traffic Safety Act*.

DEFINITIONS

The following definitions were sourced directly from the Drivers’ Hours of Service Regulation (317/2002):

“Carrier” means the operator of a bus or a vehicle that is registered under the Act for a gross weight of 11 794 or more kilograms.

“On duty” refers to any period of time that the driver is:

* checking in or preparing reports at the commencement or termination of a work shift,
* inspecting, servicing, repairing, conditioning or starting a vehicle,
* driving a vehicle,
* in the case of a vehicle that is being operated by co-drivers, travelling as one of the drivers, except the time that the driver spends resting en route in a sleeper berth,
* participating in the loading or unloading of a vehicle,
* inspecting or checking the load of a vehicle,
* waiting, at the request of the carrier by whom the driver is employed or otherwise engaged, for a vehicle to be serviced, loaded or unloaded,
* waiting for a vehicle or load to be checked at customs, at a vehicle inspection station or by a peace officer,
* at the request of the carrier by whom the driver is employed or otherwise engaged, travelling as a passenger to a work assignment when the driver has not been off duty for at least 8 consecutive hours immediately prior to departure,
* waiting at a point en route due to an accident involving the vehicle that the driver is operating or other unplanned event, or
* at the request of the carrier by whom the driver is employed or otherwise engaged, waiting in readiness for work at any place other than
  + a private residence, or
  + a motel, hotel or other similar place of rest, where the accommodation is provided by the carrier.

POLICY

[Organization Name] truck drivers move regular and oversize loads of beer throughout Alberta. 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 carrier may exceed 40 hours per week or 8 hours a day, but not 50 hours per week or 10 hours per day (whichever is greater).

Daily Maximums and Mandatory Rest

[Organization Name] will not allow any driver to exceed 13 hours of driving time in a shift, or to drive any time the driver has been on duty for 15 or more consecutive hours. Drivers may not exceed these limits.

Further to the above:

* Drivers may not begin a driving shift unless the driver has taken at least 8 consecutive hours of off-duty time immediately prior to their shift. The employer may not permit them to do so.
* If the vehicle has a sleeper berth, the 8 hours of off duty time may be taken in two shifts if:
  + “neither period of rest is less than 2 hours,
  + The aggregate of the time spent resting in the sleeper berth immediately preceding and immediately following the time on duty is at least 8 hours in total, and
  + The aggregate of the driving time immediately preceding and immediately following the resting time in the sleeper berth does not exceed 13 hours in total” (Source: Drivers’ Hours of Service (317/2002).
* **Exception: allowed only one time in a seven-day period:** If a driver’s last shift did not exceed 15 hours, the number of hours the driver’s off duty prior to starting a shift may be reduced to four hours, but not less than four hours, IF the driver will be off work following their shift for at least 8 hours plus however many hours the shift was reduced.
* **Exception:** The only time a driver may exceed the drive time limits outlined by the Regulation is in the event of an emergency such as adverse driving conditions or when the vehicle or its content are in jeopardy. In this case, the hours may be extended in order to reach a place of safety for the driver, goods or vehicle.
* **Exception:** There is no paid wait time in Edmonton.

Records of Work

[Organization Name] will keep detailed and accurate logs of each driver's hours to be used to calculate overtime pay. These logs will be kept in accordance with the Regulation.

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 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 50 hours worked in any given week. 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 such as adverse driving conditions or when the vehicle or its content are in jeopardy, the hours may be worked in order to reach a place of safety for the person, goods or vehicle. However, a manager/supervisor must be informed as soon as possible. Failure to adhere to these guidelines will result in the corrective action process.

Banked Overtime (delete if not a program)

[Organization Name] may at times request that employees participate in a time in banked overtime program in which paid time off work is given instead of overtime pay. This is subject to a signed overtime agreement between the employer and employee. Banked overtime will be provided at a rate of at least 1 hour for each overtime hour worked.

Banked time must be taken within six months of the week in which it was earned. On occasion, [Organization Name] may request that an employee take 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.

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