

INDIAN RAILWAYS TECHNICAL SUPERVISORS ASSOCIATION

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No. IRTSA/ CHq/ RB / 12-10 Memo HOER

Dated: 16-03-2010

**Member Staff, Railway Board,
Rail Bhavan, New Delhi.**

Dear Sir,

Subject: Modifications required in HOER (Hour of Employment Regulation) –

- i) Classification of Technical Supervisors under HOER as ‘Continuous’ instead of ‘Excluded’**
- ii) Provision of periodic rest or payment of Over Time Allowance for extra hour put in**
- iii) Redefining of Night Duty from Sunset – (Instead of from 10 PM)**

We draw the kind attention of the Railway Board to the urgent need to amend the age old Hour of Employment Regulation (HOER), regarding - Revision of classification of Technical Supervisor; Provision of periodic rest for them; and need for Redefining of Night Duty under the said Rules.

1. Sir, When HOER was promulgated in the 1960s - the posts of Technical Supervisors - particularly in the apex grade, were higher than that of Group B and entry level of Group A Officers. Almost all the open line Sheds, Depots and maintenance facilities were headed by Technical Supervisors (i.e. Foremen, CPWI, CIOW, CSI, CBI & CTRX etc.).

2. By the nature of their position, authority, jurisdiction and responsibilities they needed to adjust/extend their duty hours and work (which is multifaceted in nature) during such hours to meet the need of the traffic, production, repair & maintenance, emergency situation etc and hence were placed in the “Excluded” category under HOER. As such the associated benefits by way of position and hierarchy of railway management duly compensated the efforts.

3. But regrettably, subsequent Pay Commissions diluted the supremacy of the cadre of Technical Supervisors vis-à-vis that of the Group B and entry level Group A officers as well as with many other categories which were controlled by them and considering the fact that even the apex grades of Technical supervisors becoming working posts - especially after the implementation of Cadre Restructuring.

4. The provisions of the classification as “Excluded” had become redundant and have no relevance at present. Now almost all the major Depots and Sheds are headed by officers from the rank of Assistant officers to JA Grade. Senior Section Engineers are assigned specific maintenance duties which have direct bearing on safety of train operation and hence need to be protected by specific provision for weekly rest, scheduled duty hours and over time allowance, etc.

5. With the functional irrelevance of the classification of Technical supervisors as ‘Excluded’ in the present scenario - the existing provisions are being exploited at many places to harass the Technical Supervisors by denying them periodic rest or privilege leave or permission to leave head quarters or even to attend important domestic needs and social obligations. They are even called back not only from sanctioned leave but even from sick bed and many a times even denied commutation of Leave (LAHP) on medical grounds. All this is causing not only much hardship and frustration but also tantamount to exploitation under the age old provisions of HOER –

6. **it is, therefore, requested that**

- i) All the Technical Supervisors - (i.e. Junior Engineers and Senior Section Engineers in the departments of Mechanical, Electrical, Civil Engineering and Signal & Telecommunication) - may please be classified as “Continuous” (and not as “Excluded”) – in the interest of Safety, efficiency and effective quality control on the Railways – keeping in view their nature of Duties, Responsibilities.**

- ii) There should be statutory provision for periodic rest for the Technical Supervisors on Railways;
- iii) Night duty should mean employment during any part of the night from 08.00 pm to 06.00 am – as the impact of night hazards start after Sunset. Employment of railway servant on continuous night duty should be avoided.
- iv) a) All railway workers governed by Hours of Employment Regulations – including Technical Supervisors - should be paid Over Time Allowance at double the rate of wages for extra hour put in after working for 48 hours in a week or for more than 8 hours in a day.
b) The emoluments, for the purpose of computation of rates of OTA (Over Time Allowance) should include HRA similar to those covered under Factories act (in terms of RBE No. 29/2010 dated 17.02.2010).

Yours faithfully,



(Harchandan Singh),
General Secretary, IRTSA

Encl: i) Existing Provisions & Proposed Changes in HOER
ii) HOURS OF EMPLOYMENT REGULATIONS

Copy for information & favourable consideration to:

1. Advisor Staff, Railway Board, New Delhi
2. Advisor Industrial Relations, Railway Board, New Delhi.
3. Secretary (Establishment), Railway Board, Rail Bhavan, New Delhi.
4. Executive Director Pay Commission, Railway Board, Rail Bhavan, New Delhi.

Existing Provisions & Proposed Changes in HOER

SI No	Existing Clause of HOER	Changes Proposed in HOER – With justification thereof	Remarks
1.	<p>2.3 Excluded- The employment of a railway servant is said to be Excluded if he belongs to one of the following categories-</p> <p>(i) Staff employed in a confidential capacity;</p> <p>(ii) Armed guards or other personnel subject to discipline similar to that of the armed police forces;</p> <p>(iii) Staff of railway schools imparting technical training or academic education ;</p> <p>(iv) Staff classified as supervisory;</p> <p>(v) Such categories of staff of Health and Medical Department as may be specified by the prescribed authority.</p>	<p>Technical Supervisors (<i>i.e. Junior Engineers & Senior Section Engineers</i>) on the Railways should be classified as “Continuous” (<i>and not as Excluded</i>)– in the interest of Safety, efficiency and effective quality control – keeping in view their nature of Duties, Responsibilities and need for continuous intensive supervision for safety of trains and passengers.</p>	
2.	<p>Continuous.</p>	<p>Technical Supervisors (<i>i.e. Junior Engineers & Senior Section Engineers</i>) on the Railways should be classified as “Continuous” (<i>and not as Excluded</i>)– in the interest of Safety, efficiency and effective quality control – keeping in view their nature of Duties, Responsibilities and need for continuous intensive supervision for safety of trains and passengers.</p>	
3.	<p>(d) The staff treated as excluded shall have... no limitation of hours of employment and there is no statutory provision there for periodic rest.</p>	<p>There should be statutory provision for periodic rest for the Technical Supervisors on Railways;</p> <p>They should be paid Over Time Allowance at double the rate of wages for extra hour put in after working for 48 hours in a week or for more than 8 hours in a day</p>	
4.	<p>4.5 Night Duty:- Night duty means employment during any part of the night from 10.00 pm to 06.00 am . Employment of railway servant on continuous night duty should be avoided.</p>	<p>Night duty should means employment during any part of the night from <u>08.00 pm to 06.00 am – as the impact of night hazards start after Sunset.</u></p> <p>Employment of railway servant on continuous night duty should be avoided.</p>	
5.	<p>4.6 Work beyond ceiling limit:- All railway workers governed by Hours of Employment Regulations can be called upon to render duty beyond statutory limit applicable to them by an order of temporary exemption under section 71-C of the Indian Railway Act.</p>	<p>All railway workers governed by Hours of Employment Regulations should be paid Over Time Allowance at double the rate of wages for extra hour put in after working for 48 hours in a week or for more than 8 hours in a day</p>	

ANNEXURE '7'

Para 3.17

HOURS OF EMPLOYMENT REGULATIONS

1. Application- Hours of Employment Regulations will apply to all (non-gazetted) railway servants including casual labour and substitutes except those governed by Factories Act , the Mines Act , Minimum wages Act and the merchant shipping act .

2. Classification-Railway servants governed under Hours of employment Regulations are classified as under-

- (i) Intensive;
- (ii) Essentially Intermittent;
- (iii) Excluded ;and
- (iv) Continuous.

2.1 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 a strenuous nature involving continued concentration or hard manual labour with little or no period of relaxation.

The work of a railway servant shall be held to be intensive if it is so declared by the Head of the Railway on the ground that it involves sustained and strenuous attention physical exertion--

such that period of rest, inaction or relaxation do not aggregate to 6 hour or more in a cycle of 24 hours, and

Such that, in any shift of 8 hours he does not get periods of inaction, rest or relaxation of at least 1 hour in aggregate.

2.2 Essentially Intermittent-The employment of a railway servant is said to be Essentially Intermittent when it is declared so by the prescribed authority on the ground that the daily hours of duty of the railway servant normally include periods of inaction aggregating 6 hours or more (including at least 1 such period of not less than 1 hour or two such period periods of not less than half an hour each) during which the railway servant may be on duty but is not called upon to display either physical activity or sustained attention.

2.3 Excluded- The employment of a railway servant is said to be Excluded if he belongs to one of the following categories-

- (i) Staff employed in a confidential capacity;
- (ii) Armed guards or other personnel subject to discipline similar to that of the armed police forces;
- (iii) Staff of railway schools imparting technical training or academic education ;
- (iv) Staff classified as supervisory; and
- (v) Such categories of staff of Health and Medical Department as may be specified by the prescribed authority.

3. Main provisions as regards Hours of Employment are as follows:-

The staff governed by Hours of employment Regulations will be employed as per the rostered hours of duty which will in no way exceed the statutory limit of hours of employment . The statutory limit of hours of employment and the rostered hours of duty will be as under:-

Statutory limit of Hours of employment

(a) A railway servant whose employment is intensive shall not be employed for more than 45 hours a week and he shall be granted each.... week commencing on sunday , a periodical.....

Rostered hours of duty

(i) The hours of work shall consist of standard hours of duty as under-.
(a) 42 hours a week for Intensive
(b) 48 hours a week for continuous

rest of not less than 30 consecutive hours.....

(b) A railway servant whose employment is .. Essentially intermittent shall not be employed.... for more than 75 hours in any week and he shall be granted each week commencing on Sunday , a periodical rest of not less than 24 consecutive hours including a full night.

(c) A railway servant whose employment... is continuous shall not be employed for more than 54 hours a week and he shall be granted each week commencing on Sunday , a periodical rest of not less than 30 consecutive hours.

(d) The staff treated as excluded shall have... no limitation of hours of employment and..... there is no statutory provision there periodic rest.

(c) 48 hours a week for E.I.

(ii) In addition to working hours for the three of workers as in (i) above, the time required for Preparatory and /or Complementary work which includes the work, if any, of handing and/ or taking over charge and has necessarily to be carried on outside the stand-hard duty hours vide (i) above.

(d) Office staff are rostered for 8 hours a day including half-an-hour's break, i.e., 7-1/2 hours a day. They enjoy weekly rest on Saturdays and Sundays and holidays as declared by the administration.

4. Preparation of Duty rosters :

4.1 Hours of duty will be exhibited in the duty rosters. (Duties may be shown as running at a stretch or these may be covered in split shifts). (No duty roster should offend the principle hours of work or should offend the rules against `long ons ` and short offs). Duty Rosters for Intensive and E.I. should also be framed in the same way in conformity with the two weekly average numbers of hours as prescribed . Duty rosters of rest givers should also be framed in the same way.

4.2 Short off- A short off means a short period of rest between the end of one rosterd duty and the beginning of the following rostered duty . It is a period of rest where it is less than 12 hours in a roster of 6 hours duty and less than 14 hours in a roster mixed of 6& 8 hours duty in the case Intensive workers.

4.3 Long on:- A long on is a period of duty for long hours and spread over 8 hours in the case Intensive workers , over 10 hours in the case of continuous workers and over 12 hours for E.I.

4.4 Split shifts :- It means a shift which is punctuated in a daily tour of duty by breaks during which the employee is free to leave his place of work.

4.5 Night Duty :- Night duty means employment during any part of the night from 10.00 pm to 06.00 am . Employment of railway servant on continuous night duty should be avoided.

4.6 Work beyond ceiling limit :- All railway workers governed by Hours of Employment Regulations can be called upon to render duty beyond statutory limit applicable to them by an order of temporary exemption under section 71-C of the Indian Railway Act.