

HOER

Railway Servants (Hours of Employment) Rules, 1961 were framed under the Indian Railway Act, 1890. Subsequently, in the year 2005, it is amended as '**Railway Servants (Hours of Work and Period of Rest) Rules, 2005**'. The Railway Servants (Hours of Work and Period of Rest) Rules, 2005 determines and regulates the hours of employment of the workers, necessary periods of rest between two periods of work, weekly rest, overtime allowance, etc.

The 'Railway Servants (Hours of Work and Period of Rest) Rules, 2005 are applicable to all **non-gazetted Rly. Employees including casual labour and substitutes** except those who are governed under the Factory Act, the Mines Act, the Minimum Wages Act and Merchant Shipping Act (i.e., those employed in Workshops or on ferries).

CLASSIFICATION OF SERVICES UNDER HOER:- All employments of Railway Servants except those '**EXCLUDE**' from the purview of the HOER are assumed to be '**CONTINUOUS**'. Thereafter, on the basis of factual job analysis, the employment may be classified either as '**INTENSIVE**' or '**ESSENTIALLY INTERMITTENT**'.

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.

Staff under this category: Section Controllers, Telephone / Wireless Operators.

2. ESSENTIALLY INTERMITTENT: The employment of a Railway servant is said to be **Essentially Intermittent** where the daily hours of duty including the period of inaction aggregating 6 hours or more (inaction period of less than 5 minutes should be ignored)having at least one such period of one hour and two such periods of half an hour during which the Rly. Servant may be on duty but is not called upon to display either physical activity or sustained attention.

Staff under this category: Waiting Room Bearers, Bungalow peons, Saloon Attendants, Safaiwalas, Gate Men, Care Takers.

3. EXCLUDED:-The employment of railway servant is said to be 'Excluded', if he belongs to one of the following categories: -

- (a) Staff employed in confidential capacity. (b) Certain staff of Health and Medical department
- (c) Armed guards and other personnel subject to discipline similar to that of armed guards
- (d) Staff of Railway Schools imparting technical training or academic education (e) Supervisory Staff.

Excluded staff has no limitation of hours of employment.

Staff under this category: - Confidential Staff, Stenos, Matrons, Sister-in-Charge, Family Planning Field Workers, Projectionists etc.

4. CONTINUOUS:-Staff who are not declared as Intensive, Essentially Intermittent and Excluded come under the category of continuous staff. Category of Staff: ASMs, Drivers, Guards, TTEs, Non-supervisory clerks, Typists.

Fixation of Hours of Work:- The hours of work of a Railway servant as per roster may be continuous or may have short interval for rest, or breaks due to exigencies of service or deployment.

(1) Subject to the limit specified in section 132 and having regard to the requirement of the service and the nature of work, the Railway Administration shall fix the normal rostered hours of work for the various categories of railway servants in the manner indicated in these rules.

The rostered hours of work of Railway servants shall consist of-

- (i) Standard hours of duty;
- (ii) Additional hours as may be prescribed in the case of certain categories classified as essentially intermittent; and
- (iii) Time required to do Preparatory or Complementary work or both for those who are required to do such work.

The standard hours of duty for different classes of employment of Railway servants shall be as under : -

- (a) Intensive 42 hours a week;
- (b) Continuous 48 hours a week; and
- (c) Essentially Intermittent 48 hours a week;

Railway servants having essentially intermittent class of employment shall be called upon to work as per rule 8(2)(ii) additional hours as indicated below :

- | | | |
|---|---|------------------------------------|
| (i) Gatemen 'C' Caretakers of Rest Houses and Reservoirs, etc.,
Chowkidars and Saloon Attendants | } | 24 additional
hours per
week |
| (ii) Railway servants posted to work in Essentially Intermittent
employment at road-side stations and provided
with residential quarters with 0.5 Kms. From their place of duty | | |
| (iii) Rest of the employees posted to work in Essentially
Intermittent class of employment per week. | } | 12 additional
hours per week |

(b) Such additional hours of work shall be reflected in the duty rosters of the Railway servants concerned.

The time required by various categories of staff to do preparatory or complementary work or both, which includes the work of handling over and taking over charge, must necessarily be carried out outside the limits laid down for general working of an establishment, branch or shift and shall be determined by means of job analysis of such work in respect of representative posts in respective categories.

The time determined under sub-rule (5) shall be added to the standard hours of duty of the staff in all the various classifications subject to maximum limit prescribed below:-

(a) when employment is intensive 3 hours a week:

(b) when employment is continuous 6 hours a week

(C) when employment is essentially intermittent :-

(i) Gatemen 'C' Caretakers of Rest Houses and Reservoirs, Chowkidars, Saloon Attendants and those posted at road-side stations and provided with residential quarters within 500 metres from their place of duty..... 3 hours a week

(ii) Railway servants other than those mentioned

in sub-clause (i)

..... 4-1/2 hours a week.

The time required for preparatory or complementary work by the running staff shall be deemed to be 4 hours a week.

STATURORY HOURS OF EMPLOYEMNT & PERIODIC REST

S.NO	Classification of staff under HOER	Statutory maximum hours of work	Shift duty	Rostered Hours of Work		Weekly Rest
				Without P&C work	With P&C work	
1	2	3	4	5	6	7
1	Intensive (Section Controller, Tele/W-L operator)	45 hours on an average a week	6 Hrs.	42 hours a week	42+3hrs for P&C work	Not less than 30 consecutive hours each week
2	Continuous (Office Staff, T.C ASM, SM, AYM)	54 hours on an average a week	8 Hrs	48 hours a week	48+3 hrs or 6 hrs a week as case may be	Not less than 30 consecutive hours each week
3	Essentially Intermittent (WRB, Bungalow Peons, Gate Men, Care Taker, Sal-Attendant)	75 hours a week	12 Hrs	48 hours + (i) 12 hrs (*) or (ii) 24 addinal hrs. a week	48+24 hrs. + 3 hrs. for P&C work	Not less than 24 consecutive hrs including a full night in each week

4	Excluded (Confidential Staff, Matrons, Sister-Inc. F/Planning Worker]	The staff under this category shall have <u>no limitation</u> of hours of employment and there is no statutory provision for their period of rest. On humanitarian grounds, unreasonable conditions of employment should not however be imposed. For Gr-D, one rest of 48 hrs. or 02 rests of 24 hrs., in fortnight.
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(*) Gateman, Caretaker of Rest Houses, Reservoirs etc. and Saloon Attendants and those posted at road side stations and not provided with Rly. Qtrs., within 0.5 KM from their place of duty.

Office staff are rostered for 8¹/₂ hours a day including half an hour's a break, i.e. 8 hrs., a day with weekly rest on Sundays and 'off' on Saturdays.

Preparatory & Complementary time required for running staff:

1. It shall be deemed to be 4 hrs., per week,
2. Less than 15 min. per day will not be exhibited as P & C work in the roster,
3. In case of employment in continuous nature the time between 15 min. to 45 mins. Per day should be treated as 30 mins. And 45 mins to 1 hour should be treated as 01 hour work.
4. In case of E I and Intensive category, such time assessed between 15 mins. And 30 mins. Per day shall be treated as 30 mins. Work.
5. Total hours for Preparatory or Complementary work or both shall so fixed to ensure that the overall duty hours do not exceed the limit prescribed for respective classification.

Periodic Rest:- No Rly. Servant classified as Intensive, Continuous or E/I, shall be called on duty unless one has had a rest not less than **12, 10 & 08** consecutive hours, respectively after completion of the previous tour of duty. Such rest shall be given so far as possible by employment of rest giver. No rly servant in any way shall be required to work for more than 14 days without a periodic rest.

Grant of Periodical Rest:-

Intensive & Continuous	For every week commencing on Sunday be granted a rest of not less than 30 consecutive hours.
Essentially Intermittent	For every week commencing on Sunday be granted a rest of not less

	than 24 consecutive hours including a full night.
Excluded	There is no statutory provision for their periodic rest. However, on humanitarian grounds, no unreasonable conditions of employment should be imposed.

Periodic Rest for running staff:-The Loco or Traffic running staff shall be granted each month a rest of at least 04 periods of not less than 30 consecutive hours each or 05 periods of not less than 22 consecutive hours including a full night. It should be given as far as possible once in every 10 days. The hours of work shall from “signing on” to “signing off” the time spent by a running staff on non-running duties, such as travelling spare on duty or waiting at a station for returning to H.Q. etc., will however be excluded for the purpose of reckoning the 10 hrs. (maxm. duty hrs. in a spell) limit though the same will count for the purpose of overtime as admissible under the rule.

Definitions:-

1. **Full Night:-** Full night means the period between 10.00 PM to 06.00 AM

Night Duty:-Means employment during any part of the night from 10.00 PM to 06.00AM. For the running staff it should not normally exceed 06 nights at a stretch.

2. **Long On:-** Means a period of duty over 08 hrs., in case of intensive workers; over 10 hrs. in case of continuous workers & over 12 hrs. in case of E.I workers. This should be avoided during preparation of roster.

3. **Short Off:-**Short off means a short period of rest between the ends of one rostered duty and the beginning of the following rostered duty.

(i) in the case of Intensive workers, less than 12 hrs. in a roster of 06 hrs. duty and less than 14hrs. in a mixed roster of 06 & 08 hrs.duty;

(ii) in the case of Continuous workers, less than 10 hrs. &

(iii) in case of E.I. worker and less than 08 hrs.

4. **Split Duty:-** Means duty in 02 or more spells (maximum 03 spells) with intervening breaks each of half or more hours necessitated by exigencies of work and when the employee is free to leave his place of duty. Intervals for rest and meals shall not be breaks for the purpose of split duty. In case of an employment of **Continuous** nature, the Rly. Servant whose place of residence is beyond 1.6 kms.,seven hrs. of split-duty shall be treated as equivalent to 08 hrs. of duty.

5. Roster:-A document which shows the hours that a Railway servant is expected to be on duty every day, the daily as well as weekly rest and break between spells of duty in a day besides other necessary particulars.

6. Roadside Station:- The station other than an important junction station, a station with Marshalling Yard, and important terminal station, a station from which trains are ordered as a regular measure and a station where a separate goods office is provided.

7. Rest Giver:- The rest giver relieves the staff to enable them to enjoy periodical rest and in adequacy thereof may result in over time working. Normally, 01 rest giver is required for 06 working posts.

8. Leave Reserves:- The following percentage for Leave Reserve should be adapted :-

Operating Staff Gr.'C' & 'D' - 16.66 to 30

Running Staff ----- 15 to 30

Comml.Staff Gr. 'C' & 'D' ----- 15 to 25

Office Clerk & Skilled Staff -----12.5

Class IV semi skilled -----12.5

9. Compensatory Rest:- A Railway Servant exempted any periodical rest shall be granted Compensatory Rest within one month from date on which the staff has foregone the periodic rest.

10. Over Time:-When the staff are required to work extra hours, they will be compensated for this by payment of Overtime as under:-

a) for the excess hours of work rendered by a Rly. Servant between the limits of rostered hours and statutory hrs., payment will be made at $1\frac{1}{2}$ times of the ordinary rate of pay &

b)forthe excess hours of work rendered beyond statutory limits, payment shall be made @ twice of the ordinary rate of pay.

The Over Time may be calculated in weekly basis, bi-weekly basis and daily basis.

Weekly basis:- Applicable to E.I Workers other than who are 'C' Class Gateman, Caretaker of Rest House & reservoirs, Saloon Attendant.

Bi-weekly basis:-Applicable to E.I workers mentioned at 'a', Intensive and Continuous Workers and deemed roster for Running Category in Bi-weekly period is 104 hrs.

Daily basis:- Office Clerk and Gr. 'D' staff posted at office, Gang Staff and works staff of Civil Engg., staff belong to Store Department, except Store Van Clerk and Store Van Khalasi.

Calculation of Hourly Rate:-Hourly Rate (Governed by averaging principal) =Period of Averaging/ No.of rostered hours in averaging period x 1/30 x Monthly ordinary Rate of Pay.

Hourly Rate (Not governed by averaging principal) = 1/No.of daily rostered hours x 1/30 x monthly ordinary rate of pay.

Procedure for change of classification and Job Analysis:-

The mechanics of Job analysis are that

- a. The collection of data should be objective.
- b. The factual job analysis should be conducted for 72 hours
- c. The days of job analysis should be so chosen that the normal work load and normal time span in which duties are performed can be taken into account
- d. Actual duty list of staff are consulted
- e. Past records are consulted with a view to ensuring the results obtained are correct
- f. Periods of actions are correctly recorded
- g. Periods of action should clearly indicate those on sustained attention when a worker may not be physically active etc.

The procedure for conducting Job Analysis for a particular employment is as under:-

- a). A suggestive roster containing detailed proposal with reason will be initiated by the Supervisor which will be forwarded by Branch Officer to Personnel Branch for processing.
- b). A committee member of Sr.Sub-Ordinate is to be constituted consisting of Supervisors from department concerned, Personnel and Accounts for conduction of factual Job Analysis for 72 Hrs.
- c). The committee will observe the period of action of particular category during employment for 72 Hrs.on the basis of normal work load. They will also observe the gravity of attention on the employment.

d). The period of action in 24 Hrs. employment will be ascertained from the observation.

e). Similarly, the period of relaxation/ inaction will also be ascertained in 24 Hrs. As per definition if the inaction and relaxation is more than 50% it will be classified as E.I. If the inaction and relaxation is little say less than 01 hour and the gravity of attention is strenuous it will be classified as Intensive, otherwise Continuous.

f) According to the re-classification, the post may be increased or decreased. In case of decrease the posts rendered surplus to be decided. In case of increase of post, the calculation is to be made for requirement of extra manpower including LR and RG and the money value for such creation is to be calculated.

g) A planning for procurement of personnel to be chalked out. Before sending any Indent to RRB the Re-deployment from other surplus post may be taken into account.

h) Departmental Supervisor will certify the parameters of the Job-Analysis on the basis of departmental working, Personnel Supervisor will certify the Establishment Rules and Accounts will certify its financial implication.

i) The full report after acceptance of departmental Branch Officer will be concurred in by Accounts department and approved by DRM for final sanction of CPO.

A Numerical Example on Job Analysis

Q. A Job Analysis was conducted in a road side station for ascertaining the classification of the category like Station masters. A 03 (three) members committee was constituted who after conducting 72 Hrs. factual Job Analysis observed the following:-

1. The Train passing duty including Line Clear, Line Close, Passing of Train =20 Hrs.

2. The Block duties for work of Civil.Engg., Elect (TRD), S & T = 05 Hrs.

3. The commercial duties =05 Hrs.

4. The safety related duty including instructions to the cabin =04 Hrs.

5. Maintenance of Official records and registers =01 hour.

Find out the classification of SM Category? Ascertain the minimum requirement of SM including Rest Giver (LR is provided in the section) ?

Ans:- The total period of action in 72 hrs.= 35 hrs.(20+05+05+04+01)

Therefore, the period of action in 24 hrs = $35/3 = 11$ hrs.40minis

Therefore, the total period of inaction in 24 hrs.= 24hrs-11.40 minis = 12.20 minis.

Therefore, the total period of inaction aggregates to more than 50%

In terms of Estt.Srl.No.169/05, this category is classified as Essentially Intermittent since the period of inaction is more than 50%.

As he is posted at road side station, 1). If provided with Railway Accommodation with in 500 metres his rostered hrs. will be 72 hrs. per week. The daily average work will be 12 hrs. Hence, minimum 02 SM are required to operate the station for 24 hrs. The rest Giver = $1/6$ th of 02 = 0.33 which is ignored. (2) If not provided Railway Accommodation with in 500 metres his rostered hrs. will be 60 hrs. per week. The daily average work will be 10 hrs. Hence, minimum 03 SM are required to operate the station for 24 hrs. The rest Giver = $1/6$ th of 03 = 0.50 which is 01.

- Complaints for wrong classification can be made to Regional Labour Commissioner and further to Central Govt., Ministry of Labour, whose decision would be final.