

Rail Safety Fatigue Management Regulations: Inspection, Compliance and Enforcement

Prepared for “Minister” Stephen Scott

May 16, 2024

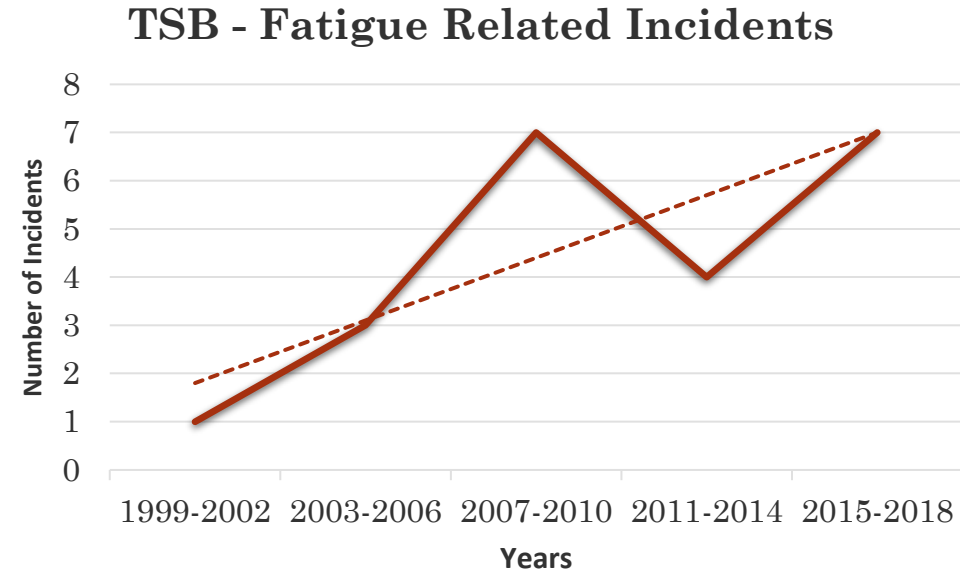


PURPOSE

- Provide recommendations to address inspection, compliance and enforcement challenges associated with implementing the Fatigue Management System Regulations

WHY IS FATIGUE MANAGEMENT IMPORTANT?

- To deliver on the Minister of Transportation mandate letter commitment to advance measures that further improve the safety and security of Canada's rail system
- Prescriptive requirements are proving ineffective



RAIL FATIGUE MANAGEMENT IN CANADA

Railway Safety Act

Railway Safety Management System Regulations, 2015

Requires the inclusion of fatigue management principles when scheduling extended, early morning, and last-minute shifts

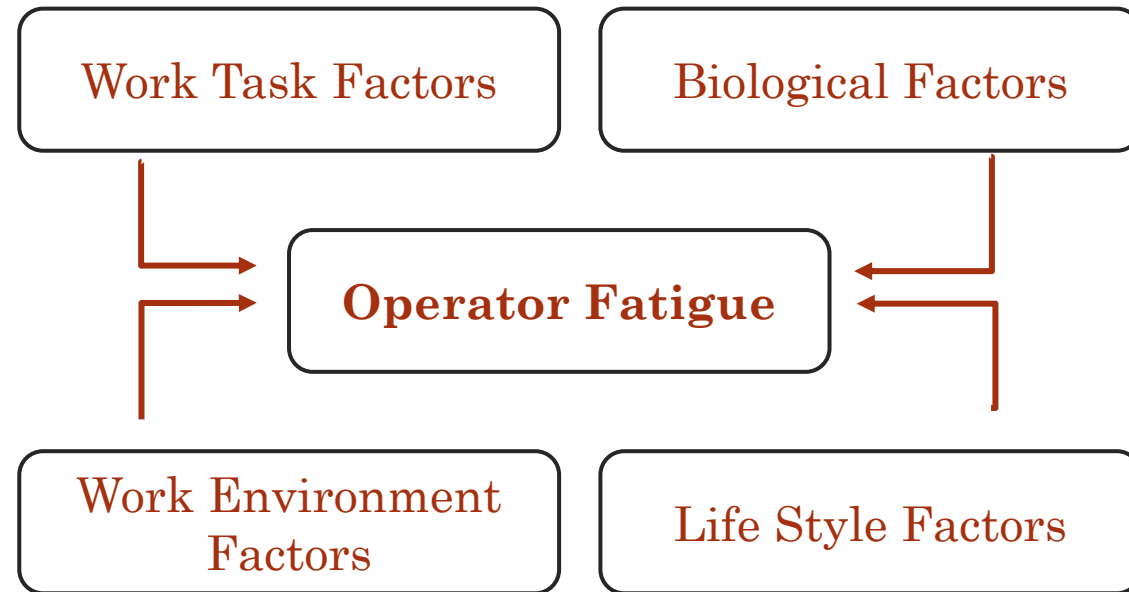
Lacks a comprehensive, outcome-based fatigue management systems approach

Duty and Rest Period Rules for Railway Operating Employees

Ensures industry, union, and TC concurrence on Fatigue Management Plans and rest requirements

Does not apply to non-operating employees

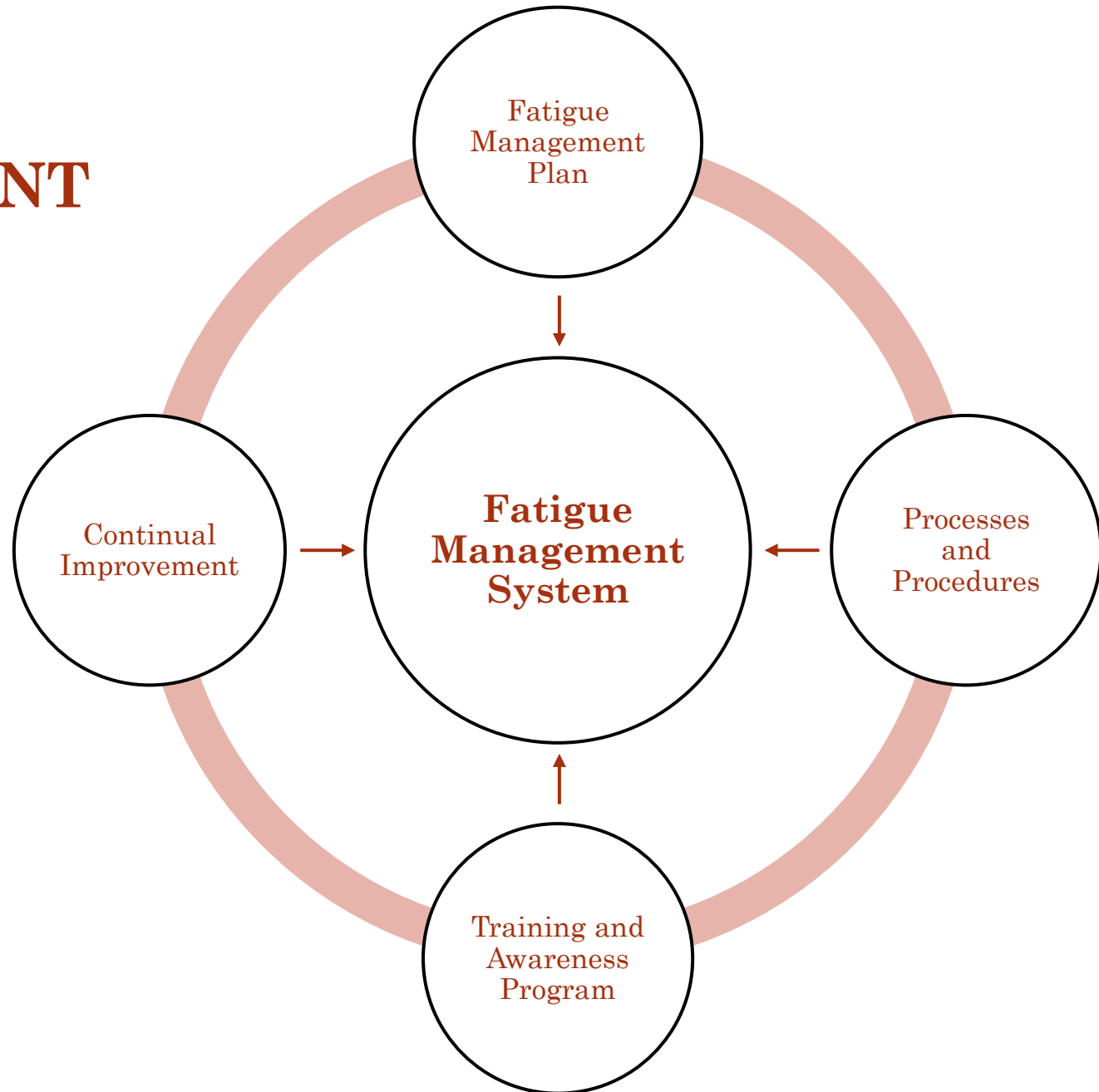
CHALLENGES ASSOCIATED WITH MANAGING FATIGUE-RELATED RISKS



Factors contributing to fatigue. Adapted from Transport Canada Rail Oversight and Fatigue Report.

THE PROPOSED FATIGUE MANAGEMENT SYSTEM

An outcome-based regulation would provide a systemic and structured approach to developing and implementing processes for preventing and managing fatigue-related safety risk, and for auditing processes to determine effectiveness.



INSPECTION, COMPLIANCE AND ENFORCEMENT CONSIDERATIONS

Establishing Trust

- Effectiveness of fatigue management system regulations relies on its ability to establish a culture of shared responsibility, openness and trust amongst different groups.

Minimizing Regulatory Burden

- Regulatory approach requires industry resources to develop, implement, monitor and continuously improve FMS.

Verifying Compliance and Assessing Effectiveness

- Success of the proposed outcome-based regulations is dependent on the ability of TC to verify the effectiveness of FMS, as well as specify, measure and monitor performance.

ESTABLISHING TRUST

Include Stakeholders in the Development of Tools to Support the Implementation of FMS Requirements

Fatigue Risk Management Framework

Guidance on FMS Regulatory Requirements

Guides and Templates to Assist in the Development of FMP

Fatigue Management Toolkit (guidance on best practices, templates, training and educational materials)

Enforcement and Compliance Policy

Developing tools through meaningful engagement and collaboration with stakeholders would establish trust, in addition to:

- Ensuring that materials reflect stakeholder needs
- Promoting compliance
- Reducing regulatory burden

MINIMIZING REGULATORY BURDEN

Adoption of a Risk-Based Approach

Inspection, compliance and enforcement actions would be proportional to the level of risk

Leverage Existing Data

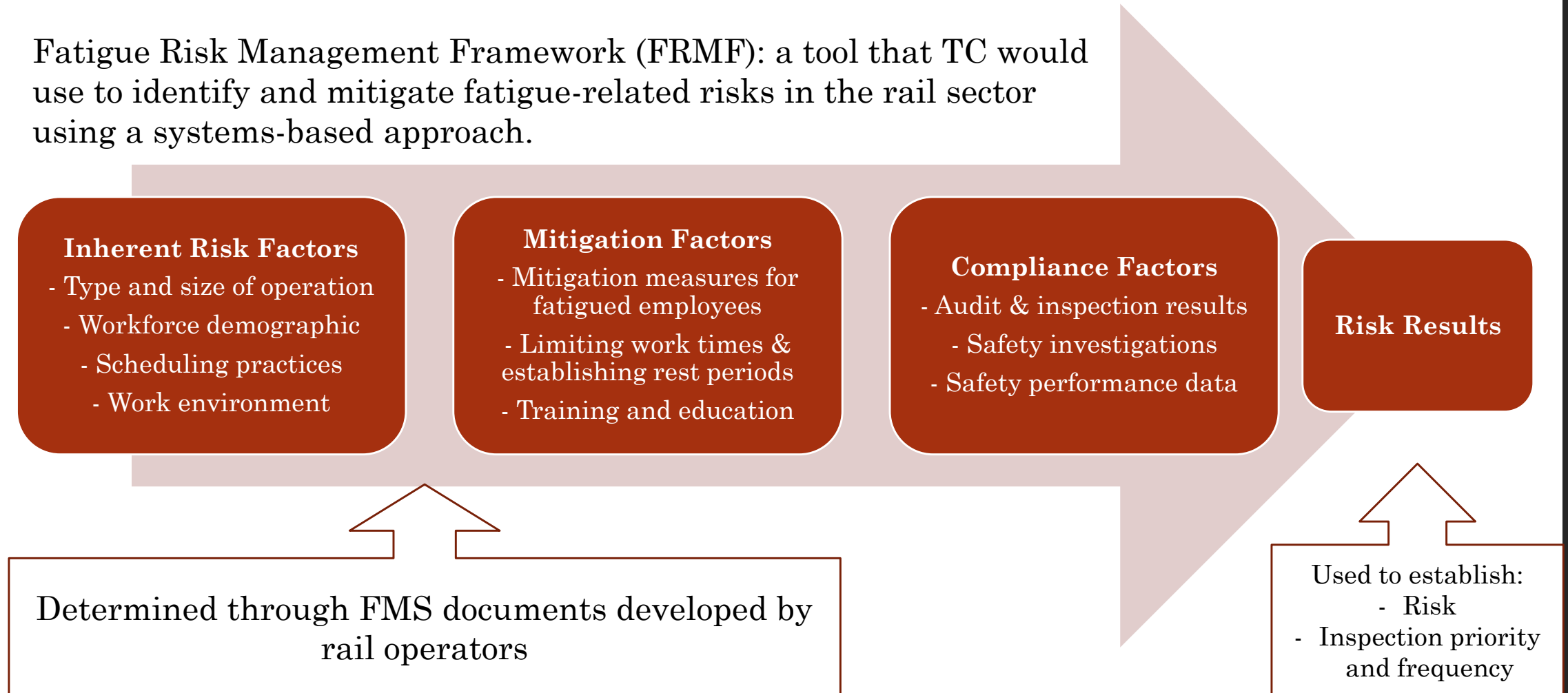
Limit routine submission requirements and accept various formats

Provide Tools to Promote Compliance

Provision of fatigue management toolkit to help industry understand what they need to comply with the regulations.

RISK-INFORMED APPROACH TO VERIFYING COMPLIANCE AND ASSESSING EFFECTIVENESS

Fatigue Risk Management Framework (FRMF): a tool that TC would use to identify and mitigate fatigue-related risks in the rail sector using a systems-based approach.



VERIFYING COMPLIANCE AND ASSESSING EFFECTIVENESS OF FMS

- Rail industry would have the flexibility to tailor the FMS to address the risks inherent to their operation.
- A rail operation could have a high level of compliance with their FMS, but have minimal or no improvement in mitigating fatigue-related risks.
- The FRMF would allow TC to assign risk profiles to various rail operations, establish inspections frequencies based on level of risk, and establish processes for reviewing FMS audits.
- Over time, TC can track various operations' risk profiles to determine whether the proposed Regulations are effective at reducing fatigue-related risk.

NEXT STEPS

- Pre-publish the proposed Regulations in the *Canada Gazette, Part I*.
- Establish an advisory committee tasked with development of the FRMF.
- Engage with stakeholders on the inspection, compliance and enforcement approach and the development of various compliance promotion tools.
- After the coming into force of the Regulations, provide regular updates on the implementation progress, particularly after reviewing at least 50% of the submitted FMPs.
- Evaluate whether adjustments to the approach are necessary based on the findings.

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