



Rules Respecting Minimum Qualification Standards for Railway Employees

June 23, 2009*

*This rule is not in effect until
the regulation is revoked.



Railway Association
of Canada

Rules Respecting Minimum Qualification Standards for Railway Employees

Effective: June 23, 2009

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1. Short Title

- 1.1 For ease of reference these rules may be referred to as “*Railway Employee Qualification Rules*”.

2. Application

- 2.1 Subject to subsection 2.1, these Rules apply to all railway companies operating in Canada under the jurisdiction of the Department.
- 2.2 The requirements of these Rules, except in so far as they involve the subject of *Canadian Rail Operating Rules*, do not apply in respect of an employee that originates from a home terminal in the United States and enters Canada to reach a terminal or turnaround point, provided that employee meets or exceeds qualification standards issued by the Federal Railroad Administration for such service.

3. Definitions

In these Rules:

- 3.1 “**Canadian Railway Operating Rules**” means CROR or an equivalent alternate rule submitted by a railway and approved by the Minister under either Section 19 or 20 of the *Railway Safety Act*.
- 3.2 “**consultation**” means a company shall consult with all relevant organizations to allow reasonable time to comment on the grounds of safety.
- 3.3 “**contract training instructor**” means a contractor hired by a railway to perform the role of an instructor including on-job training instructor.
- 3.4 “**Department**” means the Department of Transport, Rail Safety Group.
- 3.5 “**employee**” means any person performing the duties of an occupational category.
- 3.6 “**examiner**” means a person who is qualified under these Rules to examine employees.
- 3.7 “**occupational category**” means the occupational category of any railway position contained in Schedule “A” directly engaged in the operation or control of equipment on trackage where *Canadian Rail Operating Rules* are applicable.
- 3.8 “**on-job training**” means instruction provided to an employee by a railway company in the work environment appropriate to the employee's occupational category.
- 3.9 “**on-job training instructor**” means an employee, officer or other representative designated by a railway company who is qualified in the applicable job category and under these Rules to instruct employees.

- 3.10 **“training”** means dissemination of a new or revised concept through class room training, on-job training, verbal or written communication directly to the employee.
- 3.11 **“training instructor”** means a person qualified under these Rules to give instruction.

4. Qualification Program

- 4.1 A railway company shall develop a qualification program for each occupational category that is employed by the railway.
- 4.1 A railway company’s qualification program must include the following:
- a) A description of the training programs for each occupational category employed by the railway company.
 - b) Identification and establishment of qualification requirements for:
 - i. Each occupational category
 - ii. Training instructors including on-job training instructors Examiners
 - iii. Contract training instructors/consultants.
 - c) Identification of the criteria to be taught and tested for each occupational category including railway’s rules, federal regulatory requirements and practices for the safe operation of movements including crossing safety, personal safety practices; operating practices; equipment inspection practices; train handling practices; and compliance with federal safety rules and regulations.
 - d) A description of the means by which the railway will accurately measure the person’s knowledge of the covered subjects, including the level that a person must achieve on any examination.
 - e) A description of the process by which employees will be monitored and re-examined at regular intervals.
- 4.2 A railway company shall establish and modify its employee qualification programs in consultation with relevant associations and organizations representing employees in the occupational categories covered by this rule. Incidental changes under this clause will not require consultation.
- 4.3 Training may be accomplished in whole or in part through the use of classroom training, computer based training, distance based training, or other emerging learning technologies.
- 4.4 The subjects required for a person to qualify for an occupational category are the subjects listed in those items of the schedule marked with an "X" under the heading that corresponds to the occupational category, excluding those subjects or portions of subjects dealing with equipment or operations that are not used by the railway company for that occupational category at specific locations where that person is employed.
- 4.5 No railway company shall qualify a person for an occupation category unless the person obtains a mark of at least 80 percent in each of the required subjects that correspond to the occupational category.

- 4.6 No railway company shall qualify an (classroom or on-job training) instructor unless that person obtains a mark of at least 90 per cent in the subjects he/she are providing training for.
- 4.7 No railway company shall permit any employee to work in an occupational category unless the employee has qualified for that occupational category.
- 4.8 Notwithstanding the requirements of section 4.7, an employee undergoing on-job training may perform the duties of the occupational category for which they are a trainee under the direction of an on-job training instructor.
- 4.9 A railway company shall, at intervals of not more than three years, have each employee in an occupational category re-examined on the required subjects.
- 4.10 A railway company must maintain a list of employees who are qualified for the employee's occupational category.

5. Filing and Reporting

- 5.1 A railway company shall file with the Department its employee qualification program within 90 days of the coming into effect date of this rule.
- 5.2 A railway company shall file with the Department a description of any change to the employee qualification program within 90 days of the change.

APPENDIX I

SCHEDULE "A"

Item	Subject	Occupational Category ⁽¹⁾				
		Locomotive Engineer	Rail Traffic Controller	Conductor	Other Locomotive Operator ⁽²⁾	Employees Operating Cranes or Other Machines Handling Equipment
1	Operating Rules	X	X	X	X	X
2	Train Marshalling	X		X		
3	Brake Systems and Tests	X		X		X
4	Locomotive Operation	X			X	
5	Train Handling	X				
6	Freight or Passenger Car and Train Inspection	X		X		X
7	Passenger Evacuation Procedures	X		X		
8	Remote Control Operation	⁽³⁾		⁽³⁾	⁽³⁾	

Footnotes

- (¹) Requirements in this schedule would also apply to other occupational categories carrying out the same duties.
- (²) Each railway shall file with the department which if any of the additional subjects are required for each type of operations that Locomotive Operators will be employed.
- (³) Denotes only those employees required for remote control operation be qualified in remote control operation.



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