



**SUBMISSIONS OF THE
POWER WORKERS' UNION
TO THE CANADIAN NUCLEAR
SAFETY COMMISSION**

**REGARDING REGULATORY DOCUMENT, REGDOC-2.2.4,
Fitness for Duty: Managing Worker Fatigue**

December 18, 2015

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**SUBMISSIONS OF THE POWER WORKERS' UNION
ON THE DRAFT REGULATORY DOCUMENT 2.2.4,
Fitness for Duty: Managing Worker Fatigue
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A. Overview

1. The Power Workers' Union ("PWU") has prepared these submissions in respect to the draft regulatory document, REGDOC-2.2.4, *Fitness for Duty: Managing Worker Fatigue* (the "Draft Regulatory Document"), developed by the Canadian Nuclear Safety Commission (the "Commission"), to provide guidance for managing worker fatigue and hours of work for workers at nuclear facilities. The PWU also provided comments on the prior version of this regulatory document (2.2.1) and was actively engaged in stakeholder discussions with the CNSC prior to the release of the Draft Regulatory Document.
2. The PWU is a trade union which represents over 15,000 workers employed in Ontario's power sector, many of whom are employed in the nuclear power industry. Its members work throughout Ontario and make up a large majority of employees in the nuclear power industry, including certified staff and other employees at Ontario's nuclear power plants, Darlington Nuclear Generating Station, Pickering Nuclear Generating Station, and Bruce Power Generating Station. PWU members also form the majority of workers employed at Ontario's other electrical generating facilities, as well as transmission and local distribution companies.
3. PWU members include employees of licensees who work on safety-related systems or perform safety-related tasks with the potential for immediate and direct effect on safety. As an external stakeholder who represents employees in nuclear facilities, the PWU has an important role to play in ensuring that Ontario's nuclear facilities are safe and secure. The PWU has and will continue to work with licensee employers to develop and implement effective policies to ensure fitness for duty of its employees, including policies that deal with worker fatigue and hours of work.
4. The PWU acknowledges and agrees that performance impairment of workers due to fatigue is an important safety concern, and that workers' schedules are a key

contributor to fatigue. As front line workers, PWU members are acutely aware of the need to be alert and otherwise fit for duty, for their own safety and the safety of others.

5. The PWU commends the Commission for its initiative to address all aspects of human performance and fitness for duty of workers, and in particular, for soliciting and incorporating feedback from stakeholders like the PWU since the CNSC's first draft document on this issue.

6. The PWU generally supports the proposed Draft Regulatory Document to monitor and manage worker fatigue. As an active participant in developing and maintaining healthy and safe workplaces, the PWU will work with its employers using the criteria and concepts found in the Draft Regulatory Document, specifically: identifying and managing worker fatigue (section 3.2), training and education (section 3.4), assessment and continual improvement (section 3.7), managing appropriate staffing levels (section 4.1), and exceptional circumstances (section 4.4). The PWU has negotiated with its employers the creation of Joint Shift Committees which are intended to help develop and implement training, education, and strategies to identify and manage worker fatigue.

7. The PWU agrees that rest periods, education of both workers and management, and fatigue assessments are all important components of fitness for duty, and supports the specific identification of these issues in the Draft Regulatory Document.

8. The PWU recognizes that sometimes limits on hours of work and recovery periods must be exceeded due to emergencies and exceptional circumstances as permitted by relevant legislation. Bruce Power and Ontario Power Generation use an auditable system to track workers' hours and to document when and why hours of work and recovery periods are exceeded. The PWU supports the development of policies for opportunities and accommodations to reduce the likelihood of worker fatigue in such circumstances, including for restorative sleep and delays in completing non-essential maintenance.

B. The PWU's Comments on The Draft Regulatory Document

9. The PWU supports the Commission for the development of requirements and guidance on worker fatigue which are integrated with a licensee's employee management policies. The PWU notes that shift scheduling is complex and workplace-specific, and are often the result of decades of safe, collectively bargained shift scheduling practices. Such requirements must, of course, be in accordance with the terms of the *Employment Standards Act* ("ESA"), or subject to the express and voluntary exemptions to the ESA. Although the PWU is generally very supportive of the bright-line criteria set out in the Draft Regulatory Document, the PWU submits that the CNSC continue to solicit feedback from stakeholders to best understand the full implications (on all the different shift schedules at all of the licensees) of the proposed criteria as the Draft Regulatory is implemented.

10. The PWU has the following specific comments on the Draft Regulatory Document.

11. The limits on hours of work and recovery periods set out in the Draft Regulatory Document are in large part consistent with the current policies of Bruce Power (as set out in policy BP-PROC-0005, r. 11, *Limits to Hours of Work*) and Ontario Power Generation (as set out in policy N-PROC-HR-0002, r.4, *Limits to Hours of Work*).

12. The CNSC has employed limits of weekly work based on a "rolling week" (e.g. "60 hours in a 7-day period" means there can be no period of 7 days in a row when 60 hours are exceeded), and not a calendar week. For decades, limits on hours of work at Bruce Power and Ontario Power Generation for members working 12-hour shifts has been based on a "calendar pay week", without any identified safety issue. A change to a rolling week could cause shift coverage issues. The PWU believes this is an unnecessary change.

13. The CNSC has employed a 52 hour per week on average over a period not exceeding 12 weeks. Although the PWU acknowledges that the CNSC increased the average from a 6-week period to a 12-week period, these restrictions remain impractical for outage support. For outage scheduling at Bruce Power and OPG, the primary work

schedules typically average 56 to 60 hours per week. The PWU submits that an average of 52 hours per week over a 24-week period is more appropriate to enable adequate outage support.

14. The PWU notes that both Bruce Power and Ontario Power Generation schedule 'supernumerary' shifts as part of a rotating work schedule. These shifts constitute a block of five 8-hour days treated as a single sequence of day shifts (currently Monday to Friday). The Draft Regulatory document requires a minimum recovery period of at least 48 hours between the end of a supernumerary shift cycle and the beginning of night shifts (p. 7, section 4.3(3)(d)(ii)). The Draft Regulatory Document also requires a minimum recovery period of 36 hours in any 7-day period for workers on 8 to 10 hour shifts (p. 7). The PWU submits that workers who have completed a supernumerary (Monday to Friday) shift cycle should not be prohibited from working an occasional overtime shift on either the Saturday or Sunday that follows. Workers who have completed a 40-hour supernumerary day shift schedule are well-rested. Requiring a 36 hour recovery period may not be necessary or practical to manage fatigue, given the nature of the supernumerary shifts, just as an occasional weekend shift would not be overly fatiguing to an office worker on the same schedule. The PWU requests that the CNSC revise the Draft Regulatory Document to permit this safe and occasional scheduling practice.

C. Conclusion

15. The PWU commends the CNSC for addressing the issue of worker fatigue, and appreciates the opportunity to provide its comments in respect of the Draft Regulatory Document. The PWU would welcome the opportunity to participate in further consultation on issues of worker fatigue.