



# **Motor Vehicle Operations Directive - Chapter 2-11**

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# Motor Vehicle Operations Directive - Chapter 2-11

## Disclaimer

This Directive was developed in partnership by employer and bargaining agent representatives at the National Joint Council. Its provisions form part of the collective agreements of the participating parties under the By-Laws of the National Joint Council. The provisions also apply to persons not covered by collective agreements as indicated in the Directive or by employer policy.

For more information on the National Joint Council, visit their web site at <http://www.njc-cnm.gc.ca>.

## General

### Collective agreement

This Directive is deemed to be part of collective agreements between the parties to the National Joint Council (NJC). Employees are to be afforded ready access to this directive.

### Grievance procedure

In cases of alleged misinterpretation or misapplication arising out of this directive, the grievance procedure, for all represented employees, within the meaning of the *Public Service Labour Relations Act*, will be in accordance with Section 14 of the National Joint Council By Laws. For unrepresented employees the departmental grievance procedure applies. (revised April 1, 2005)

### Effective date

This directive was effective on April 1, 1995.

### Application

This directive applies to all departments and other portions of the Public Service, as defined in Schedules I and IV of the *Financial Administration Act*. (revised April 1, 2005)

### Scope

This directive outlines the requirements for the safe operation of motor vehicles owned or leased by Public Service departments, to ensure the safety and health of employees and the public, and to avoid property or equipment damage.

### Definitions

In this directive:

**motor vehicle** (*véhicule automobile*)

means a truck, tractor, trailer, semi-trailer, automobile, bus, motorcycle, all-terrain vehicle, snowmobile or other similar self-propelled vehicle used primarily for transporting personnel and/or material;

**motor vehicle accident** (*accident*)

means an event involving the operation of a motor vehicle which results in injury to persons and/or damage to equipment or property;

**motor vehicle operator** (*conducteur*)

means any employee who is required to operate a motor vehicle in the performance of the employee's duties;

**qualified person** (*personne qualifiée*)

means, in respect of a specified duty, a person who, because of knowledge, training and experience, is qualified to perform that duty safely and properly.

## Requirements

### 11.1 General responsibility of departments

#### 11.1.1 Departments are responsible for:

- a. developing, in consultation with the Safety and Health Committee, rules and procedures for the safe operation of motor vehicles, in accordance with the general principles set forth in this directive;
- b. identifying circumstances in which air conditioned vehicles are required to enhance the efficiency or protect the safety and health of the employee using the vehicle;
- c. ensuring that employees are fully informed of the correct procedures to be followed in the event of an accident;
- d. analyzing and evaluating motor vehicle accident reports and statistics, determining the causes of accidents and

- utilizing this information to prevent additional accidents from similar causes;
- e. ensuring that every departmentally owned or leased motor vehicle is maintained in a safe operating condition;
  - f. informing employees of the employees' rights and obligations and the department's responsibilities under the Travel Directive when any authorized government business travel involves the use of a private motor vehicle;
  - g. ensuring that motor vehicle operators are qualified in all respects to operate the vehicles to which they are assigned;
  - h. enforcing safe driving rules and traffic regulations on premises and in operations under their control;
  - i. co-operating with civil and police authorities in the enforcement of traffic laws and the observance of safe practices; and
  - j. developing, in consultation with the Safety and Health Committee, procedures to be followed when motor vehicles are used to transport persons under restraint.

## **11.2 Safe operation of motor vehicles**

11.2.1 The operation of an unsafe motor vehicle is prohibited. A motor vehicle is unsafe when any defect exists which, in the judgment of the responsible supervisor in consultation with a qualified licensed motor vehicle mechanic, could contribute to an accident. A motor vehicle operator shall not be required to operate a mechanically unsafe vehicle or a vehicle loaded in a hazardous manner.

11.2.2 All motor vehicles, including emergency motor vehicles, shall be operated in a prudent manner and at speeds compatible with road, traffic, weather and visibility conditions, and in compliance with the appropriate federal, provincial, territorial or municipal laws.

11.2.3 When departments require employees to operate departmentally owned snowmobiles, motorcycles, or all-terrain vehicles, departments shall provide operators with:

- a. personal protective equipment, a fire extinguisher and supplies for cases of emergency, in consultation with the Safety and Health Committee; and
- b. instructions in the operation and maintenance of the vehicle.

## **11.3 Hazardous movement**

11.3.1 Prior to the movement of oversize or overweight motor vehicles, or those carrying dangerous articles or equipment over public highways, notification of the route and the utilization of public bridges, tunnels and/or highways is to be given to appropriate civil officials. The movement of dangerous substances by motor vehicle shall be subject to requirements specified in the Transportation of Dangerous Goods Act.

11.3.2 Motor vehicles that are regularly operated in remote or isolated areas shall be equipped with appropriate communications devices for emergency purposes.

## **11.4 Medical examinations**

11.4.1 Employees who are required to operate buses, ambulances, emergency vehicles and heavy mechanical or mobile equipment shall undergo health evaluations pursuant to the Occupational Health Evaluation Directive.

## **11.5 Qualification of motor vehicle operators**

11.5.1 Every motor vehicle operator shall possess a valid licence to operate the motor vehicle to which the operator is assigned in accordance with the appropriate provincial or territorial law, or as may be otherwise required by regulations or statutes applicable to the Public Service.

11.5.2 In addition, motor vehicle operators may be required to demonstrate their competence to operate assigned motor vehicles and, in this regard, appropriate records shall be maintained.

## **11.6 Training**

11.6.1 Departments shall institute or participate in motor vehicle operator training programs designed to provide:

- a. refresher training to acquaint personnel with changes in equipment or operating conditions; and
- b. remedial training to offset specific weaknesses indicated by accident records, traffic rule violations or other instances of inadequate operating performance.

11.6.2 Departments shall ensure that a written record of the training required by 11.6.1 is maintained for as long as the employee remains in the departments' employment.

## **11.7 Investigation of accidents**

11.7.1 Every motor vehicle accident is to be investigated, the cause or causes determined and appropriate corrective action applied. Additionally, a Hazardous Occurrence Accident Report shall be completed in compliance with Section 15.8 of the Hazardous Occurrence Investigation Recording and Reporting Regulation (Canada Labour Code, Part II).

11.7.2 Departments shall maintain a written record of vehicle repairs or replacement as a result of accidents for a period of ten years.

## 11.8 Servicing, inspection and repair

11.8.1 Departments shall ensure that the servicing, inspection, and repair of its motor vehicles:

- a. meet normal preventive maintenance and safety requirements based on the use of motor vehicles;
- b. are done by a qualified person; and
- c. as a minimum meet the requirements in the appropriate manufacturer's user manual.

11.8.2 Departments shall maintain records of servicing, inspection and repair of each vehicle for as long as the vehicle is in operation.

## 11.9 Safe transportation of persons

11.9.1 With the exception of 11.9.2, this section does not apply to the use and operation of emergency vehicles.

11.9.2 At the start of each shift, each operator is to be responsible for carrying out a safety inspection of the motor vehicle assigned. Unsafe conditions and defects are to be reported promptly to the responsible supervisor.

11.9.3 To the extent possible, persons are to be transported in passenger type motor vehicles or buses. The following safety rules shall apply:

- a. only authorized persons shall be permitted to ride in motor vehicles;
- b. the number of persons permitted to ride in a passenger motor vehicle must not exceed the seating capacity of that motor vehicle except for short distances on buses provided with handholds;
- c. persons shall not be permitted to ride with any part of their person extended outside the motor vehicle, or on a running board, fender, cab, side or tailgate of a motor vehicle;
- d. persons shall not get on or off a motor vehicle while it is in motion; and
- e. tools, tool boxes, equipment and cargo shall be safely and securely stowed and secured to prevent shifting in transit.
- f. where there is a likelihood that materials, goods or things will shift and endanger employees in any motor vehicle acquired after April 1, 1995 and having an empty vehicle weight of less than 4,500 kg, departments shall ensure the installation of a bulkhead or other effective means to protect the employees.

11.9.4 When it is not possible or practicable to use passenger motor vehicles to transport persons, truck type motor vehicles may be used. In such cases, the safety measures outlined in 11.9.3 shall apply and the additional safety measures listed below shall also apply:

- a. fixed seating is to be provided and sideboards or stakes and tailgates fitted;
- b. the number of persons to be transported may not exceed that for which fixed seating is provided;
- c. a suitable cover shall be provided for protection from the elements;
- d. a motor vehicle operator shall operate the motor vehicle taking the appropriate precautionary measures to protect passengers transported in these exceptional circumstances.

11.9.5 Under exceptional conditions, trucks without fixed seating may be used for transporting small groups (less than ten) for short distances on departmental property. Passengers are to be in a secure position within the body of the truck, and the vehicle driven with extreme caution at a speed not to exceed 10 km/hr.

## 11.10 Fire prevention

11.10.1 No motor vehicle shall be operated unless it is entirely free of fuel leaks.

11.10.2 Buses and motor vehicles used for transporting flammable substances shall be equipped with a dry chemical fire extinguisher.

11.10.3 The fire extinguisher referred to in 11.10.2 shall:

- a. have not less than a 5BC rating as defined in the National Fire Code;
- b. meet the standards set out in section 6.2 of the National Fire Code; and
- c. be so located that it is readily accessible to the operator.

## 11.11 Motor vehicle fuelling and operations

11.11.1 Departments shall, in consultation with the appropriate Safety and Health Committee or Representative, develop written procedures on the fuelling of motor vehicles.

11.11.2 Tank trucks shall be loaded and unloaded in authorized areas by qualified personnel and under controlled procedures, in accordance with the National Fire Code of Canada, 1990, as amended from time to time.

## 11.12 Propane and natural gas fuelled vehicles

11.12.1 The installation, operation and maintenance of propane fuelled motor vehicles and motorized materials handling equipment shall be in accordance with the Canadian Gas Association publication, CAN/CGA-B149.2-M91, Propane Installation Code, as amended from time to time.

11.12.2 The conversion of vehicles to propane and natural gas fuel systems after manufacture shall comply with the Canadian Motor Vehicle Safety Standards and/or Provincial and Territorial requirements.

11.12.3 Departments shall ensure that vehicles converted to propane and natural gas fuel systems meet the appropriate Canadian Motor Vehicle Safety Standards.

11.12.4 Each employee who is required to fuel a propane vehicle shall be tested and licensed by those provinces where such licensing is required pursuant to provincial or territorial statute.

11.12.5 In provinces or territories where licenses are not required, departments shall certify employees for propane fuelling through internal departmental training and licensing. Such training and licensing shall be equal to, or better than, that provided in a province or territory where licenses are required.

11.12.6 Each employee who is certified pursuant to 11.12.5 shall:

- a. be familiar with the specific safety precautions and operating procedures applicable to vehicle fuelling;
- b. be able to identify and understand the functions and components of vehicle fuel supply systems;
- c. be able to identify all components of a fuel dispenser and demonstrate capability in safely fuelling a vehicle; and
- d. pass a written examination on the fuelling procedures applicable to the fuel handled.

### **11.13 Safety measures against asphyxiation**

11.13.1 The concentration of toxic exhaust fumes to which the operator and other persons are exposed when working on or near motor vehicles shall meet the requirements and not exceed the levels as are prescribed pursuant to the Dangerous Substances Directive.

### **11.14 Motor vehicle safety belts**

11.14.1 Operators of, and passengers in, motor vehicles which are required to be equipped with safety belts shall be required to fasten such safety belts at all times when the vehicle is in motion.

### **11.15 Highway warning devices**

11.15.1 Motor vehicles operated at a rate of speed that is more than 30 km/hr below the posted speed for a road or area shall be equipped with a slow moving vehicle warning device as prescribed by the laws of the province or territory in which the equipment is operated.

11.15.2 Where the laws of the province or territory in which the motor vehicle is operated do not prescribe a slow moving vehicle warning device, such mobile equipment shall be equipped with a warning device in accordance with the requirements of the laws of an adjacent province or territory.

11.15.3 In the event that a motor vehicle breaks down on or adjacent to the highway, advance warning devices such as flares or reflectors shall be placed in accordance with the statutes of the province or territory in which the vehicle breaks down.

### **11.16 First Aid kits**

11.16.1 Motor vehicles shall be equipped with First Aid kits in accordance with the requirements of the First Aid Directive.

11.16.2 At the request of the employee, when any authorized government business travel involves the use of a private motor vehicle, the department shall provide a pocket first aid kit as referred to in the First Aid Directive.

### **11.17 Resolving 'qualified person' disputes**

11.17.1 Where there is a dispute regarding the term "qualified person" for purposes of an occupational safety and health standard, the following procedure shall be implemented:

- a. The employee shall raise the matter directly with the person in charge.
- b. The person in charge shall review the employee's qualifications and decide upon the employee's status as a qualified person.
- c. If the employee is dissatisfied with the decision, the matter shall be referred to the Safety and Health Committee established for the employee's workplace.
- d. The Safety and Health Committee shall review the matter and make appropriate recommendations to the person in charge.
- e. If the Safety and Health Committee does not consider itself competent to deal with the case, it shall recommend an acceptable third party to the person in charge.
- f. The person in charge shall, pursuant to (d) or (e), take the recommendations into consideration, render a final management decision and undertake the appropriate action.

If the employee does not agree with the final decision which has been rendered, a grievance may be initiated pursuant to the NJC redress procedure.