

ONRSR Guideline

Identifying rail safety work under the RSNL

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1 Introduction

This document provides guidance on the term *rail safety work* and outlines how rail transport operators can identify rail safety workers as part of their risk management processes.

1.1 Rail Safety National Law

The Rail Safety National Law (RSNL) applies in each state and territory as the national law and establishes the responsibilities for duty holders (both organisations and individuals) for ensuring the safety of railway operations.

The objectives of the RSNL include to:

- > Provide for the effective management of safety risks associated with railway operations
- > Make special provision for the control of particular risks arising from railway operations

A primary means in the RSNL of achieving these objectives is through the requirements relating to the identification and control of ***rail safety work*** and the workers who perform or control that work (***rail safety workers***).

1.2 Responsibilities for rail safety

Rail transport operators and rail safety workers hold safety duties under the RSNL and are subject to specific legal requirements.

1.2.1 Duties of rail transport operators

There is a general safety duty on rail transport operators to ensure the safety of their railway operations, so far as is reasonably practicable, under section 52 of the RSNL. This includes ensuring safety to any person (including members of the public, passengers, rail safety workers and other workers) who may be exposed to a safety risk as part of railway operations

In meeting this duty, an accredited rail transport operator must establish a Safety Management System (SMS), which ensures that safety risks are identified and that these risks have been eliminated (or minimised if they cannot be eliminated), so far as is reasonably practicable. This duty applies to the extent of what is reasonably practicable in all the circumstances (i.e what the operator has knowledge of and has effective management and control of).

In discharging this duty to rail safety workers undertaking work under their accreditation, there are specific requirements in the RSNL, such as ensuring the health of workers meets the National Standard for Health Assessment of Rail Safety Workers, and assessing the worker's competency under the Australian Qualifications Framework (AQF). The relevant requirements are described in section 4 of this guideline.

There may also be other workers who are not under the effective management and control of the rail transport operator but who may be exposed to moving rolling stock in the course of their duties, under the direction of a third party. While these workers are not 'rail safety workers', the rail transport operator still has a general duty to ensure the safety of these workers, so far as is reasonably practicable.

1.2.2 Duties of rail safety workers

The duties of rail safety workers, under section 56 of the RSNL, are to comply with the operator's SMS and to take reasonable care of their own and others' safety.

2 What is rail safety work?

The RSNL recognises certain tasks or activities as **rail safety work** that are undertaken by the rail transport operator, or for or on behalf of the rail transport operator.

2.1 Types of rail safety work

The RSNL identifies a **rail safety worker** (s.4) as any individual *who has carried out, is carrying out, or is about to carry out rail safety work* (s.8(1)), which includes:

- (a) driving or despatching rolling stock or any other activity which is capable of controlling or affecting the movement of rolling stock;
- (b) signalling (and signalling operations), receiving or relaying communications or any other activity which is capable of controlling or affecting the movement of rolling stock;
- (c) coupling or uncoupling rolling stock;
- (d) constructing, maintaining, repairing, modifying, monitoring, inspecting or testing -
 - (i) rolling stock, including checking that the rolling stock is working properly before being used; or
 - (ii) rail infrastructure, including that the rail infrastructure is working properly before being used;
- (e) installation of components in relation to rolling stock;
- (f) work **on or about rail infrastructure** or associated works or equipment that places, or may place, the person performing the work at risk of exposure to moving rolling stock;
- (g) installation or maintenance of -
 - (i) a telecommunications system relating to rail infrastructure or used in connection with rail infrastructure; or
 - (ii) the means of supplying electricity directly to rail infrastructure, any rolling stock using rail infrastructure or a telecommunications system;
- (h) work involving certification as to the safety of rail infrastructure or rolling stock or any part or component of rail infrastructure or rolling stock;
- (i) work involving the decommissioning of rail infrastructure or rolling stock or any part or component of rail infrastructure or rolling stock;
- (j) work involving the development, management or monitoring of safe working systems for railways;
- (k) work involving the management or monitoring of passenger safety on, in or at any railway.

A worker may be classified as a rail safety worker where they will be undertaking one or more of the above in relation to an operator's railway operations. For instance, a worker laying rail sleepers would be classified as a rail safety worker under (d), regardless of whether they are exposed to moving rolling stock under (f) or any other activities they are undertaking.

2.2 Location of rail safety work

With the exception of section 8(1)(f) above, all activities that constitute rail safety work relate to the potential risk that the activity being performed (or the sudden incapacity of the worker performing the work) could pose to the safe operations of the railway, including placing others at risk. These are quite distinct from (f) which relates to the risks to the worker performing the work of exposure to moving rolling stock.

2.2.1 Work 'on or about' rail infrastructure (s8(1)(f))

People working 'on or about' rail infrastructure or associated works or equipment who are at risk of exposure to moving rolling stock, are defined as doing rail safety work under s.8(1)(f) and must comply with s.56.

In meeting their duty to take reasonable care of their safety and the safety of others, rail safety workers must be alert to the risks that are inherent in working on, or in close proximity to, rail infrastructure.

Rail infrastructure means the facilities that are necessary to enable a railway to operate *safely*, including railway tracks, electrical power supply, and plant and equipment (see the Definitions for a more detailed list).

When considering how to apply s.8(1)(f) 'on or about rail infrastructure or associated works or equipment' it's important to note 'on or about' in this context is about the location of where the work is being performed, not what task the worker is performing for or on behalf of the rail transport operator. 'On or about rail infrastructure' would generally include, but is not limited to, working in the ***danger zone***. It would also capture a worker who is required to enter a danger zone in order to access the work location, e.g. crossing a live line in order to access a parked carriage in a siding. The danger zone and safe place on a network are defined by network rules and may differ between operators.

The '*danger zone*' is defined in the Rail Industry Safety and Standards Board's (RISSB) Australian Network Rules & Procedures (ANRP) as:

Everywhere within three metres horizontally from the nearest rail and any distance above or below it, unless a safe place exists or has been created.¹

A safe place is also defined by RISSB as a *place where workers and equipment cannot be struck by rail traffic, and includes:*

- > *a properly constructed refuge to an approved design*
- > *behind the safety line on a platform*
- > *a place where a structure or physical barrier has been erected to provide protection but includes subways and overhead bridges*
- > *a place that is not on or near the track.*

Work that is 'on or about' rail infrastructure or associated works or equipment, including within the danger zone, is subject to 8(1)(f) unless it involves no risk of exposure to moving rolling stock, because it is in a safe place or the risk has otherwise been eliminated (i.e. because of a closure).

Importantly any worker who is not exposed to moving rolling stock but is undertaking any of the other work listed under section 8(1) is still a rail safety worker.

If it is determined that the worker is not a rail safety worker on the basis that they are not exposed to moving rolling stock under section 8(1)(f), documented procedures must be in place to ensure that this risk has been eliminated.

¹ RISSB Glossary of Terms February 2020

2.2.2 Greenfields vs brownfields sites

In determining rail safety work, a 'greenfield site' generally means a site that has not been developed or does not contain any rail infrastructure. 'Brownfield' generally means there is existing rail infrastructure on that site.

Regardless of whether construction activities are to occur on a greenfield site or a brownfield site, when identifying rail safety work the operator must consider the potential risk to the future safe railway operations from the work when identifying tasks that fall within 8(1). Either type of site may involve activities described by section 8, including ring-fenced construction.

Work undertaken at a 'greenfield' site is not automatically 'rail safety work', particularly when initial site clearing activities are underway. At the completion of these activities, the site of the future railway must be certified by an appropriately qualified rail safety worker as fit for the intended railway before rail infrastructure construction commences. Once the process of laying the formation, slabs, ballast, rail, sleepers commences, this is identified as rail safety work.

Work undertaken at a 'brownfield' site generally involves existing rail infrastructure and is therefore more likely to be rail safety work. However, each situation should be individually assessed.

3 Identifying rail safety work

In preparing and reviewing the SMS a rail transport operator must identify rail safety work and implement strategies for managing this work, to at least the degree required by the RSNL.

To identify rail safety work the operator should conduct an initial **task analysis**, which involves identifying the activities that will be undertaken under their accreditation and determining whether these fall under any of the activities listed under the definition for rail safety work.

Each activity should be identified as either 'rail safety work' or 'non-rail safety work' depending on:

- > whether the tasks come within the scope of s.8(1)
- > the nature and risks of the tasks performed
- > the location where the work is to be performed

Once identified as rail safety work, a further assessment of the level of risk inherent in the task should be carried out. If the rail safety worker is in the danger zone a further examination of what protections have been put in place should be undertaken. This examination should include looking at protections such as engineering defences, physical or non-physical barriers, and safeworking rules, as well as safety awareness arising from safety induction courses, worker competencies and WHS coverage. Appendix 1 is a summary of the process for identifying rail safety work and the applicable requirements.

3.1 Examples of rail safety workers

An individual is considered to be a rail safety worker if they have carried out, are carrying out, or about to carry out activities that fall into any of the categories listed in section 8 of the RSNL, regardless of whether this work constitutes all or just part of their role. This also includes contractors, volunteers or employees undertaking rail safety work under the operator's accreditation. It excludes, however, designers and third parties such as utilities workers, who are not under the rail transport operator's effective control and management and require a different approach to managing risks to the safety of railway operations (see section 3.3).

There are many clear examples of rail safety work (for example, driving rolling stock or operating signalling systems), however there are also many activities where it is less clear. The following examples are

intended to be general in nature and may differ between rail transport operators, depending on scope of the role, risks and controls.

Appendix 2 provides a checklist to help identify rail safety work/ workers against section 8(1).

3.1.1 Contractors undertaking routine maintenance work

3.1.1.1 Scenario A

Task and location:	A contractor is engaged to undertake the replacement of light bulbs in the concourse area of a metropolitan central railway station. No light bulb replacement is required over or near the track.
Is the role rail safety work?	They are not doing any activities described in section 8(1) – noting that they are undertaking work on ‘railway premises’- not on rail infrastructure and are not working within a danger zone .
Are they a rail safety worker?	This contractor would not be a rail safety worker. However, the operator would still have a duty to ensure this person undertakes the work safely and in a way that does not affect the safety of the railway operations, the safety of themselves or others.

3.1.1.2 Scenario B

Task and location:	A contractor is engaged to clean inside a carriage. The carriage has been moved to a rail siding and a lockout device put in place. The only relevant activity in section 8 of the RSNL is 8(1)(f).
Is the role rail safety work?	As the worker is not undertaking ‘work on or about rail infrastructure’ the worker would not be considered a rail safety worker, however the risk of moving rolling stock should still be managed, e.g. rail traffic excluded from the area and the person is escorted by a qualified worker.
Are they a rail safety worker?	As the cleaner is not undertaking any of the activities under section 8(1) they would not be considered a rail safety worker.

3.1.1.3 Scenario C

Task and location:	A local council employee is mowing grass along the median strip and edges of a section of light rail. The worker will be required to work in the danger zone , i.e. within 3 metres of the live rail line.
Is the role rail safety work?	While the worker may be undertaking ‘work on or about rail infrastructure’, they would not be considered a rail safety worker as they have been engaged by the council in relation to maintaining roadways and are not under the effective control and management of the rail transport operator.
Are they a rail safety worker?	As the worker is not undertaking work in relation to the railway operations, they would not be considered a rail safety worker. However, the risk of exposure to moving rolling stock means that the operator should undertake a risk assessment and implement controls to minimise the safety risk to the worker and to the safety of railway operations, so far as is reasonably practicable. This would include having an interface agreement in place with the council to manage these shared risks. For example, workers are instructed about the risks and are only deployed at agreed times, i.e. when the trams are not running.

3.1.1.4 Scenario D

Task and location:	A contractor undertakes maintenance or repair on the locomotive air conditioning unit.
Is the role rail safety work?	An air-conditioning unit or other onboard facilities, such as a ticketing machine, are unlikely to be rail safety work but the risks to railway operations should be assessed. In determining whether s8(1)(d) or (e) apply, the operator must consider whether any part of the task may impact rail safety. For example, if the power supply on the locomotive will be impacted by the task. then the task of managing this should be undertaken by a qualified rail safety worker.
Are they a rail safety worker?	If the above controls or equivalent controls are in place, resulting from a risk assessment, then the contractor undertaking the work would not be considered a rail safety worker.

3.1.1.5 Scenario E

Task and location:	A technician is servicing radio communication equipment in a closed siding with no train movements.
Is the role rail safety work?	Although the risk of moving rolling stock has been eliminated and 8(1)(f) would not apply, it is likely that this is rail safety work if this equipment is used to manage the safety of railway operations as part of the SMS. Provisions 8(1)(b) and (g) may apply.
Are they a rail safety worker?	This person would likely be a rail safety worker and would need to be managed accordingly.

3.1.2 Security guards/ transit officers working on railway premises

3.1.2.1 Scenario A

Task and location:	A security guard engaged to work at a railway station car park overnight.
Is the role rail safety work?	They are not doing any activities described in section 8(1) – noting that they are undertaking work on ‘railway premises’- not on rail infrastructure.
Are they a rail safety worker?	This security guard would not be a rail safety worker. However, the operator would still have a duty to ensure this person undertakes the work safely and in a way that does not affect the safety of the railway operations, the safety of themselves or others.

3.1.2.2 Scenario B

Task and location:	A transit officer employed by an operator to undertake a range of duties including ticket inspection, passenger security, patrolling stations and trains.
Is the role rail safety work?	They are undertaking work within activities described in section 8(1)(k).
Are they a rail safety worker?	This person would likely be a rail safety worker and would need to be managed accordingly.

3.1.3 Design of track turnouts working for a contracted third party

3.1.3.1 Scenario A

Task and location:	A civil engineer working in a design firm office, drafting a preliminary design for a new turnout as part of a rail track upgrade project.
Is the role rail safety work?	This work would not fit within section 8(1), which does not specify 'design' as rail safety work.
Are they a rail safety worker?	Although this person is not a rail safety worker they have legal duties to ensure the safety and integrity of the design under section 53 of the RSNL. There is also a duty on the rail transport operator under section 52(3)(b) to ensure a design is safe for their operations.

3.1.3.2 Scenario B

Task and location:	A person working on behalf of an accredited rail transport operator, is checking that the design for the purpose of constructing a new track turnout complies with the relevant Standards, Guidelines and / or Codes.
Is the role rail safety work?	Yes, this would likely fall within the description of the activities in section 8(1)(d)(ii) or 8(1)(h).
Are they a rail safety worker?	This person would likely be a rail safety worker and would need to be managed accordingly.

3.1.4 Safety managers

3.1.4.1 Scenario A

Task and location:	A person working for an accredited rail transport operator is responsible for issuing safety critical information to rail safety workers, such as train protection orders.
Is the role rail safety work?	Yes, this would likely fall within the description of the activities in section 8(1)(j) 'work involving the development, management or monitoring of safe working systems for railways'
Are they a rail safety worker?	This person would likely be a rail safety worker and would need to be managed accordingly.

3.1.4.2 Scenario B

Task and location:	A person working for an accredited rail transport operator is responsible for approving changes to the way contractors are managed under the SMS.
Is the role rail safety work?	Yes, this would likely fall within the description of the activities in section 8(1)(j) 'work involving the development, management or monitoring of safe working systems for railways'
Are they a rail safety worker?	This person would likely be a rail safety worker and would need to be managed accordingly.

3.1.5 Greenfield / Brownfield sites

Task and location:	A person is installing a rail signalling system on a greenfield site. The signalling system will eventually be connected to the existing rail infrastructure.
Is the role rail safety work?	The work being completed by this person is construction and therefore considered rail safety work under section 8(1)(d) - noting that even though the worker is not exposed to moving rolling stock their work has the potential to impact the future safe operation of the railway.
Are they a rail safety worker?	This person would be a rail safety worker and would need to be managed accordingly.

3.2 Designers, manufacturers, suppliers etc

Safety duties apply to any person who designs, commissions (or decommissions), manufactures, supplies, installs or erects anything and who knows or should reasonably know, that the thing is to be used in connection with rail infrastructure or rolling stock (section 53 of the RSNL). Examples include a planner for a new branch line, the architect for the station platform or bridge, the designer of new rolling stock, the manufacturer of a rolling stock part etc.

These 'upstream' duty holders generally do not require accreditation and so their workers are unlikely to be subject to the requirements for rail safety work, however safety duties still apply.

In Victoria, there are also specific duties for labour-hire entities to ensure the competence of the labour they provide to a rail transport operator to undertake the particular work².

More information is in the ONRSR fact sheets: General Safety Duties under the RSNL – 'Upstream' Duty Holders; and, Labour Hire under the RSNL.

3.3 Third parties

Third party interactions with railway operations are often outside of the effective management and control of the rail transport operator and therefore require a different approach. Third parties typically include local councils and utilities who undertake works which are unrelated to the operator's railway operations.

The RSNL recognises that third parties may impact the safety of railway operations through the requirement for an interface agreement (Part 3, Division 6, Subdivision 2 of the RSNL); requirements for notification; and the power to require works to stop (section 199 of the RSNL). Outside of these specific requirements, the rail transport operator remains responsible for demonstrating that risks to the safety of their railway operations have been eliminated or minimised so far as reasonably practicable, typically by reaching an agreement with the third party to achieve this and/or implementing access controls to prevent uncontrolled interactions/ trespassing.

More information is in the ONRSR fact sheets: Interface Agreements; and, Works Near or on Railways and Interaction with Utilities.

² Refer to section 40A of the Victorian *Rail Safety National Law Application Act 2013 No. 22 of 2013*.

4 Determining the requirements for rail safety work

Rail safety workers are subject to specific safety considerations under the RSNL, beyond what is prescribed by occupational health and safety legislation.

Rail transport operators have additional obligations to manage the risks associated with railway operations in order to protect, train, and manage rail safety workers.

These obligations are prescribed as safety duties in s52 of the RSNL, and further specified elsewhere in the RSNL and the National Regulations (notably Schedule 1 to the National Regulations sets out what an SMS must include).

As per the RSNL, the rail transport operator must ensure that rail safety workers:

- > Are competent to perform the work (as per s117 of the RSNL, Regulation 30 and Schedule 1.24) and receive adequate training and instruction on the SMS (s99 of the RSNL and Schedule 1.12)
- > Are of sufficient health and fitness to minimise the risk to the worker and railway operations (see s.114; Regulation 27 and Schedule 1.27)
- > Are subject to the requirements set under the operator's drug and alcohol (s.115; Regulation 28 and Schedule 1.28) and fatigue risk management systems (s.116; Regulation 29 and Schedule 1.29).

Each of these requirements should be included in the operator's SMS to the level required for the individual rail safety worker.

Each role that involves rail safety work will require different levels of protection, training, and management that should be determined through appropriate risk assessment practices. In determining how to manage risks, they need to consider how to address the competency, health, drug and alcohol, fatigue, and training needs of rail safety workers. Appendix 3 illustrates the scalability of the requirements to individual workers.

4.1 Competency that a worker must have

Competency means the skills, knowledge and/or qualifications that a person performing the task is required to possess to enable them to perform the task without risk to themselves, others or the safe operation of the railway. These competencies should also include knowledge and operation of any implemented controls.

The RSNL and regulations do not specify specific training for particular roles or situations leaving it for the railway transport operator to determine the appropriate competencies. Competency requirements should be commensurate with the identified risks.

In determining the appropriate competencies, the operator should consider the following:

- > controls that are or could be implemented to reduce the risk, e.g. engineering, procedural, supervisory
- > the technical and non-technical knowledge and skills required to carry out the work safely and to ensure the safety of railway operations
- > qualifications and units of competence recognised under the AQF applicable to the work (as per section 117 of the RSNL).

The level of competency that an individual requires will depend on the level of control they have over the work and what supervisory or sign-off processes are in place.

Rail safety workers are also required to have a form of identification in accordance with s118, which enables ONRSR to determine the competencies that the worker holds.

Further details on assessment of competency are provided in ONRSR's SMS Guideline (also information on training, instruction and SMS consultation) and Application of the AQF to rail safety worker competence assessment policy.

4.2 Health and fitness that the worker must have

In determining medical fitness requirements for rail safety workers, the operator must comply with the National Standard for Health Assessment of Rail Safety Workers (the Standard).

The Standard sets out the required health assessments, including frequency, and these are divided into four categories based on the level of risk. Categories 1 and 2 apply to safety critical work/workers and Categories 3 and 4 to non-safety critical work/workers.

Category 4 workers are the only group that does not require a specific health assessment. These workers are those that are not working in the danger zone or are in a safe place (see section 2.2), and not undertaking safety critical work.

The Standard details the required assessments and is available via the ONRSR website.

4.3 Drug and alcohol and fatigue risk management systems

There is a safety duty for rail transport operators to ensure that rail safety workers are not impaired by drugs or alcohol (this also means that it is not present in their systems) or fatigue. As part of the SMS, there are specific requirements to establish a risk-based Drug and Alcohol Management Plan (DAMP) and a Fatigue Risk Management Plan.

These plans must address the requirements set out in regulations 28 and 29. Further guidance is also available in ONRSR's SMS Guideline and drug and alcohol and fatigue fact sheets.

4.4 Record-keeping

The rail transport operator will need to verify that the individual rail safety worker holds the competencies and medical fitness that have been identified for any rail safety work they will perform.

ONRSR also expects that the operator will retain evidence to document the decision-making process used to identify the controls (e.g. use of the AQF, the level of drug and alcohol testing, types of worksite protection etc) applied to various rail safety worker roles. This should include appropriate assessment and management strategies to demonstrate that the risks are being addressed, so far as is reasonably practicable (SFAIRP).

The duty to ensure the safety of railway operations that the operator is accredited for cannot be transferred to another person (section 51 of the RSNL). In a contract arrangement (such as one for labour-hire) where the contractor is performing the work under the operator's SMS, the operator remains responsible for ensuring that rail safety workers are competent, medically fit as well as subject to the drug and alcohol and fatigue management programs. Although they may not hold 'personnel' records, they must have access to these and be able to demonstrate that they have effective management and control of the work through other records (such as auditing records that rail safety work is compliant with accreditation and the RSNL).

5 Definitions

The RSNL and National Regulations are available from the ONRSR website at <https://www.onrsr.com.au/about-onrsr/Rail-Safety-National-Law>.

- > **Rail transport operator** – defined under section 4 of the RSNL and means— (a) a rail infrastructure manager; or (b) a rolling stock operator; or (c) a person who is both a rail infrastructure manager and a rolling stock operator. This term may be abbreviated to 'RTO'.
- > **RSNL** - means the Rail Safety National Law, which has been enacted as a Schedule to the Rail Safety National Law (South Australia) Act 2012, as it applies in each state and territory.

- > **National Regulations** – means the Rail Safety National Law National Regulations 2012.
- > **Rail safety worker** – defined under section 4 of the RSNL as any individual who has carried out, is carrying out, or is about to carry out rail safety work (s8(1)).
- > **Rail infrastructure** – defined under section 4 of the RSNL as the facilities that are necessary to enable a railway to operate safely and includes -
 - (a) railway tracks and associated railway track structures; and
 - (b) service roads, signalling systems, communications systems, rolling stock control systems, train control systems and data management systems; and
 - (c) notices and signs; and
 - (d) electrical power supply and electric traction systems; and
 - (e) associated buildings, workshops, depots and yards; and
 - (f) plant, machinery and equipment,but does not include -
 - (g) rolling stock; or
 - (h) any facility, or facility of a class, that is prescribed by the national regulations not to be rail infrastructure.At present there are no prescribed exclusions from this definition in the regulations.
- > **Associated railway track structures** – defined under section 4 of the RSNL and includes -
 - (a) associated works (such as cuttings, sidings, tunnels, bridges, stations, platforms, tram stops, excavations, land fill, track support earthworks and drainage works); and
 - (b) over-track structures and under-track structures (including tunnels under tracks).

Appendix 1: Identifying and managing rail safety work summary

Identify rail safety work

Step 1: Identify the type of work and its location (task analysis)

For work that is in relation to the operator's railway operations assess whether the work to be undertaken is listed under section 8(1) of the RSNL. There is a checklist at Appendix 2.

In determining whether section 8(1)(f) applies refer to section 2.2 and assess whether the risk of exposure to moving rolling stock has been eliminated.



Apply the requirements for rail safety work (control the risk)

Step 2: Risk assessment

Identify and assess risks to current and future railway operations, and to the workers and put controls in place to eliminate or minimise these SFAIRP. Consider controls that are or could be implemented to reduce the risk, e.g. engineering, supervision, procedural – noting that not all work requires the same type or level of control.

The operator may also choose to group activities into job roles.

Step 3: Apply RSNL requirements for the rail safety work SFAIRP

- Determine the required skills, knowledge and experience to ensure the safety of the work
- Consider the level of competency that an individual worker requires (this may alter depending on the supervisory and sign-off arrangements in place)
- Identify the relevant AQF units of competence or qualifications, and apply these where possible
- Identify medical fitness requirements against the National Standard for Health Assessment of Rail Safety Workers
- Identify fatigue and drug and alcohol management requirements, including testing
- Document these requirements, with supporting risk assessment, systems and processes, as part of the SMS



Identify rail safety workers

Step 4: Appoint/ allocate rail safety workers

A worker who performs rail safety work as all, or part, of their role is a rail safety worker. The operator must ensure they have the required competencies and level of health and fitness and will be subject to drug and alcohol and fatigue requirements applicable for the rail safety work they will perform.

The worker must be trained and instructed, and consulted with, on the establishment of the SMS or any changes that affect them; and given a form of identification which allows ONRSR to confirm their competencies.



Ongoing assessment and verification as part of the SMS

Appendix 2: Checklist for identifying rail safety workers

Below is a simple checklist to assist in the identification of a rail safety worker, as per the provisions of section 8(1) of the RSNL. The list is not exhaustive, and it is the responsibility of the operator to determine the activities likely to be considered to be rail safety work within their own operations.

If the answer to **any of these questions is 'yes'**, the person in question is/ will be a rail safety worker, whether the activity in question constitutes all of their role or just a part, and they must be covered by the operator's SMS. However, it is the operator's responsibility to make that determination.

Notes:

- > References in the table below to 'person' should be assumed to include employees, contractors, and other parties carrying out work for the operator (as per s119).
- > References to 'testing' should be assumed to include 'calibration'
- > This checklist only applies to those workers undertaking work for or on behalf of the rail transport operator.

Questions (if the answer to any question is 'yes' the person is a rail safety worker)	Yes/No	RSNL
1. Is the person responsible for driving or dispatching rolling stock?	Yes/No	s.8(1)(a)
2. Does the person carry out any activity which is capable of controlling or affecting the movement of rolling stock?	Yes/No	s.8(1)(a)
3. Does the person carry out any signalling operations?	Yes/No	s.8(1)(b)
4. Is the person responsible for receiving or relaying communications or any other activity which is capable of controlling or affecting the movement of rolling stock?	Yes/No	s.8(1)(b)
5. Is the person responsible for coupling or uncoupling rolling stock?	Yes/No	s.8(1)(c)
6. Is the person responsible for constructing, maintaining, repairing, or modifying rolling stock or rail infrastructure that may have an impact upon (or is associated with) the safety of operations?	Yes/No	s.8(1)(d)
7. Is the person responsible for monitoring rolling stock or rail infrastructure that may have an impact upon (or is associated with) the safety of operations?	Yes/No	s.8(1)(d)
8. Is the person responsible for inspecting or testing rolling stock or rail infrastructure that may have an impact upon (or is associated with) the safety of operations?	Yes/No	s.8(1)(d)
9. Is the person responsible for checking that rolling stock or rail infrastructure is working properly before being used?	Yes/No	s.8(1)(d)
10. Does the person install components of rolling stock?	Yes/No	s.8(1)(e)
11. Does the person work on or about infrastructure in a danger zone?	Yes/No	s.8(1)(f)
12. Does the person install or maintain a telecommunications system relating to rail infrastructure or used in connection with rail infrastructure that may have an impact upon (or is associated with) the safety of operations?	Yes/No	s.8(1)(g)
13. Does the person install or maintain the electricity supply for rail infrastructure, any rolling stock using rail infrastructure or a telecommunications system that may have an impact upon (or is associated with) the safety of operations?	Yes/No	s.8(1)(g)
14. Does the person carry out any work involving certification of the safety of rail infrastructure or rolling stock or any part or component of rail infrastructure or rolling stock?	Yes/No	s.8(1)(h)
15. Does the person carry out any work involving the decommissioning of rail infrastructure or rolling stock or any part or component of rail infrastructure or rolling stock?	Yes/No	s.8(1)(i)
16. Does the person carry out any work on the development, management or monitoring of safe working systems for railways?	Yes/No	s.8(1)(j)
17. Does the person carry out any work involving the management or monitoring of passenger safety on, in or at any railway?	Yes/No	s.8(1)(k)

Appendix 3: Examples of scalability in the requirements

Risk management of rail safety work is scalable to suit the specific nature of the operator's operation.

ONRSR expects that the operator will retain evidence to document the decision-making process used to identify the controls applied to various rail safety worker roles.

