

National Safety Code **BULLETIN**

Re: Off-Duty Time and the Motion Picture Industry

Purpose

The information that follows is designed to provide clarification for those specifically working in the Motion Picture, Film, Television and Commercial production industry, as the nature of the industry and the work done by those operating under provincial Hours of Service (HOS) regulations may appear unlike other areas of the commercial transportation industry. This may result in confusion regarding what activities must be counted as on-duty time, and when the driver is legitimately off-duty.

Regulations

Division 37 of the *Motor Vehicle Act Regulations* (MVAR) provides the following definitions:

"on duty" with respect to a driver and "on-duty time" means the period that begins when a driver begins work or is required by the carrier to be available to work, except when the driver is waiting to be assigned to work, and ends when the driver stops work or is relieved of responsibility by the carrier, and includes driving time and time spent by the driver

- (a) inspecting, servicing, repairing, conditioning or starting a commercial motor vehicle,
- (b) travelling in a commercial motor vehicle as a co-driver, when the time is not spent in the sleeper berth,
- (c) participating in the loading or unloading of a commercial motor vehicle,
- (d) inspecting or checking the load of a commercial motor vehicle,
- (e) waiting for a commercial motor vehicle to be serviced, loaded, unloaded or dispatched,
- (f) waiting for a commercial motor vehicle or its load to be inspected,
- (g) waiting at an en-route point because of an accident or other unplanned occurrence or situation,
- (h) resting in or occupying a commercial motor vehicle for any other purpose, except
 - (i) time counted as off-duty time in accordance with section 37.13,
 - (ii) time spent in a sleeper berth,
 - (iii) time spent in a stationary commercial motor vehicle to satisfy the requirements of sections 37.13.02 and 37.13.03, and
 - (iv) time spent in a stationary commercial motor vehicle that is in addition to the off-duty requirements of section 37.13.03, and
- (i) performing any work for any carrier.

"off duty time" means any period other than on duty time.

Determining If a Driver is On-Duty or Off-Duty

A driver's HOS status is based on the driver's activities and responsibilities during a given time period. Issues like whether someone is being paid or where they might physically be in relation to their vehicle do not determine whether someone is off-duty or on-duty.

While a driver in the motion picture industry may always be considered on-duty due to the phrase "or is required by the carrier to be available to work", the definition of on-duty also includes "except when the driver is waiting to be assigned to work".

Based on how the Motion Picture Industry operates, there is often time when a driver is legitimately both required to be available to work and waiting to be assigned work. If there is a reasonable assumption that the driver has at least 30 minutes before they are likely to be assigned unscheduled work, that time may be logged as off-duty and would then count towards their required daily off-duty time under MVAR 37.13.03(2) & (3).

If the driver needs to complete any work for any carrier prior to the completion of at least 30 minutes off-duty, then, while the time was correctly logged as off-duty, it would not count towards the daily off-duty time.

Common Misconceptions

- ☒ *A crew member is being paid to be "at work" so they cannot be off-duty for HOS records.*
 - ✓ The financial arrangements between a crew member and the employer are a matter that is entirely separate from whether a driver is on-duty or off-duty.
- ☒ *A driver must remain on the set or be near their vehicle so they must be on-duty.*
 - ✓ Being required to remain in the general vicinity of the vehicle does not automatically mean a driver is on-duty, a driver may be on set and still be off-duty.
- ☒ *A driver is operating a vehicle that doesn't fall under National Safety Code regulations so they don't need to record that time on their daily log.*
 - ✓ If the driver is driving a vehicle for personal use, the driver would correctly be off-duty. However, if a driver is driving the vehicle as part of their work responsibilities, the time must be recorded as on-duty.
- ☒ *If a crew member works in a different part of the production and only occasionally drives a vehicle, they don't need to be concerned with HOS rules.*
 - ✓ Anyone who drives a vehicle that is required to follow HOS rules must be compliant at the time they start driving, and must remain compliant, even if they only drive occasionally. All other work the crew member does on the production would count as on-duty time and must be recorded if crew member then drives a production vehicle that requires HOS compliance.

Examples

The examples that follow on pages three and four are for informational purposes and are not intended to be an exhaustive list of duties.

Examples of On-Duty/Off-Duty within the Motion Picture Industry

Shuttle or Cast Drivers

On-Duty	Off-Duty
<ul style="list-style-type: none"> ● Arriving prior to your start time in order to complete your pre-trip inspection and review the call sheet ● Receiving communication about next required run ● Cleaning the vehicle and making sure there is water available for the cast ● Any other duties you are requested to perform 	<ul style="list-style-type: none"> ○ Waiting on Set, or at the Circus or Crew Park until it's time for the next run or crew pick-up ○ Waiting in or near the vehicle or elsewhere when no other duties are required ○ Meal breaks

Move Drivers

On-Duty	Off-Duty
<ul style="list-style-type: none"> ● Arriving prior to your start time in order to complete your pre-trip inspection and logbook ● Prepping your assigned vehicle for the move ● Waiting in your assigned vehicle for clearance to leave the location from the Captain or Co-Captain ● Chocking the tires or securing equipment ● Any other duties you are requested to perform 	<ul style="list-style-type: none"> ○ Waiting for or riding as a passenger in a shuttle to take you from your personal vehicle to the starting location of the move, or back to your personal vehicle after the move is complete ○ Meal breaks ○ Driving your personal vehicle home from the Crew Park

Camera, Grip, Lighting/Electrics Truck Drivers (Working Trucks)

On-Duty	Off-Duty
<ul style="list-style-type: none"> ● Arriving prior to your start time in order to complete your pre-trip inspection ● Moving the vehicle or ensuring the vehicle is parked level or has power ● Going to shops, equipment houses or the lab ● Any other duties you are requested to perform 	<ul style="list-style-type: none"> ○ Waiting for or riding as a passenger in a shuttle to take you from your personal vehicle to Set or Circus or Work Trucks ○ Meal breaks ○ Waiting in or near the vehicle or elsewhere when no other duties are required ○ Driving your personal vehicle home from the Crew Park

Cable Truck Drivers

On-Duty	Off-Duty
<ul style="list-style-type: none"> ● Arriving prior to your start time in order to complete your pre-trip inspection ● Performing any duties required by your Genny Op 	<ul style="list-style-type: none"> ○ Waiting for or riding as a passenger in a shuttle to take you from your personal vehicle to Set or Circus or Work Trucks ○ Meal breaks ○ When you have no current duties and Genny Op says they don't expect to require your assistance for at least thirty minutes ○ Driving your personal vehicle home from the Crew Park

Examples of On-Duty/Off-Duty within the Motion Picture Industry

Special Effects Truck Drivers

On-Duty	Off-Duty
<ul style="list-style-type: none">● Arriving prior to your start time in order to complete your pre-trip inspection● Ensuring TDG requirements are met● Any other duties or runs you are requested to perform	<ul style="list-style-type: none">○ Waiting for or riding as a passenger in a shuttle to take you from your personal vehicle to Set or Circus or Work Trucks○ Meal breaks○ Waiting in or near the vehicle or elsewhere when no other duties are required○ Driving your personal vehicle home from the Crew Park

Honeywagons, Hair/Make-Up and Costume Trailers, Star Wagon or Trailer Drivers

On-Duty	Off-Duty
<ul style="list-style-type: none">● Arriving prior to your start time in order to complete your pre-trip inspection● Cleaning the rooms and maintaining the secondary washroom● Ensuring plumbing, heating and electrical are functional● Ensuring fresh water tanks are full and waste tanks are not● Unlocking or locking rooms● Any other duties or runs you are requested to perform	<ul style="list-style-type: none">○ Waiting for or riding as a passenger in a shuttle to take you from your personal vehicle to Set or Circus or Work Trucks○ Meal breaks○ Waiting in or near the vehicle or elsewhere when no other duties are required○ Driving your personal vehicle home from the Crew Park

Should you have any further questions or concerns, please contact the NSC Program Office at (250) 952-0576 or via email at NSC@gov.bc.ca.

Regards,



Karen Coverett
Manager, National Safety Code
Commercial Vehicle Safety and Enforcement Branch