

Driving for work and the law

This is far from clear cut. The protection of workers and the public from traffic risks is regulated by road traffic law and enforced by the police and the courts. The police take the lead in investigating contraventions and establishing cause and responsibility.

Health and safety enforcing authorities do not generally investigate at-work road traffic incidents, except in cases involving specific work activities such as refuse collection or road maintenance or where the incident happens immediately outside a works premises.

Employers must comply with the various licensing regulations according to the nature of their business. Much of this is controlled by the Traffic Commissioners, who grant and repeal licenses. The Vehicle Inspectorate can examine vehicles to see whether a defect contributed to an accident and with the police they can carry out spot checks. Local authorities must promote road safety.

The key legislation for safety reps is the Health and Safety at Work Act 1974 and the Management of Health and Safety at Work Regulations 1999. The first places a duty of care on employers to their employees and anyone affected by their work activity. The latter sets out the requirements for doing a risk assessment and the duty to provide training and information.

It is illegal to use a mobile phone while driving and even the use of hands-free sets is discouraged. Staying in touch is important not only for keeping the work flowing but also to ensure drivers' personal safety, particularly when they work alone. Safety reps should negotiate other ways of contacting drivers, especially for those who rarely touch base.

Acting on road safety

The key to any policy is prevention. For an employer, prevention brings the benefit of reduced costs in terms of compensation, lost production and insurance costs – let alone a loss of reputation.

Any health and safety policy should set out to:

- ◆ avoid the risk completely if possible – do the work another way, find a different route or another means of transport
- ◆ tackle risks at source – use the right vehicle for the job, set out maintenance programmes, and ensure drivers are properly trained and licensed for the vehicles they drive
- ◆ involve the trade union and the workforce in identifying and putting in place the control methods
- ◆ clarify the roles and responsibilities of the management chain from board level to individual employees
- ◆ establish a process of review and continuous improvement to cultivate a positive health and safety environment
- ◆ ensure the system applies to all those who drive for work, even if only occasionally, including any self-employed workers who may be contracted to the company.

Contacts

The Health and Safety Executive (HSE), Rose Court, 1 Southwark Bridge, London SE1 9HA (020 7717 6000) www.hse.gov.uk/roadsafety/experience.htm

Royal Society for the Prevention of Accidents (ROSPA), ROSPA House, Edgbaston Park, 353 Bristol Road, Birmingham, B5 7ST (0121 248 2000)

Transport 2000, The Impact Centre, 12-18 Hoxton Street, London N1 6NG (020 7613 0743). You can also contact Transport 2000 by going to www.transport2000.org.uk

Department of Transport, Great Minster House, 76 Marsham Street, London SW1P 4DR (020 7944 3000)

TUC Training – contact your regional TUC office

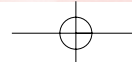
References

TUC Training course for occupational drivers

HSE/Department of Transport guidance to employers: 'Driving at Work – Managing work-related road safety' (INDG382.09/03). This publication also contains a number of useful references.



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Work-related road safety



Guidance for safety reps

Who is at risk?

Last year around 3,500 people died in road traffic incidents – over 400 in accidents involving at-work vehicles such as lorries, vans and PSVs (buses and coaches). This is a conservative estimate. And each year thousands more are seriously injured or maimed for life.

Clearly not only those driving heavy and light goods vehicles, buses and coaches are at risk. Anyone driving as part of their job – from delivery drivers to sales reps – should take steps to manage road safety.

As a safety rep you need to be talking to your employer about managing work-related road safety.

Remember: although the driver is ultimately responsible for how a vehicle is driven on the road, the employer has a significant influence on what the driver does and how the vehicle is maintained.

A motor vehicle is a piece of work equipment

A motor vehicle is a powerful and dangerous piece of equipment. If it was a piece of machinery brought into a workshop you would expect the employer to undertake:

- ◆ a rigorous selection procedure – is it right for the job?
- ◆ extensive on- and off-the-job training for staff
- ◆ regular equipment checks
- ◆ feedback on performance – on both the operative and the machine
- ◆ regular audits
- ◆ skills updates on operating conditions and equipment changes
- ◆ disciplinary procedures for failure to comply with the safety procedures

How many employers regard the cars or other vehicles used for work in the same way as they would any other piece of work equipment? Do you, as a safety rep, think of motor vehicles in the same way?

The drive for a risk assessment

With motor vehicles, as with any other equipment, it should be back to basics. You need to manage risk and the first rule for doing that is do your risk assessment. Start your risk assessment with an audit.

- ◆ What types of vehicles does your company use? Include employees' own vehicles if they use them for work.
- ◆ What types of journeys are they – local or long distance, on city streets or motorways?
- ◆ Why is the journey being made? Is it necessary, or could its purpose be accomplished another way?
- ◆ Is the right vehicle being used for the job? For example, is the back seat of a car being used as a mobile store when a delivery van would be safer?
- ◆ Are vehicle accident records kept? What is the vehicle accident record of the company? What are the lessons that could be learned from the records?

Whether or not the audit identifies problems, if your members are driving as part of their job you need to negotiate a road safety management agreement with your employer as part of their health and safety at work policy. An audit will give you a basis for your discussions and an idea of the sort of things that need to be addressed.

A policy for work-related road safety

Vital elements of any policy on work-related road safety are:

- ◆ a risk assessment
- ◆ driver training
- ◆ reporting procedures
- ◆ guidance and information for staff
- ◆ vehicle maintenance and ergonomics
- ◆ membership of a breakdown scheme
- ◆ identified competent people to ensure that the policy is properly managed
- ◆ ongoing policy reviews and impact assessments
- ◆ consultation with staff and union reps

Some of the issues may cross over into issues about contracts of employment – talk to your members and get their help in developing the policy.

The Health and Safety Executive have published the experiences of 17 companies in dealing with work-related road safety that you may find useful. You can download it from their website or write to request a copy (their details are at the end of this leaflet).

