

## RISK MANAGEMENT AND THE LAW - KEY ISSUES FOR FLEET OPERATORS AND EMPLOYERS

### Why Fleets need to take Action

It is estimated that one-third of vehicle accidents are caused by someone who is working. This represents around 20 deaths and 250 serious injuries every week. The Government is committed to a major reduction in the number of deaths and serious injury on our road by 2010 and fleets are being targeted to take steps towards this goal.

### The Legal Overview

The Government is taking steps to tighten up legislation on road and workplace safety. A new proposed Road Safety Bill will bring in graduated penalties for speeding, tougher penalties for using a hand-held mobile phone while driving and for drink-driving.

A new Corporate Manslaughter Bill will cover instances of death where senior management failed to take reasonable care over the safety of employees or others. This new law will mean that a whole company can be prosecuted.

Businesses may find that they have to incorporate changes to RIDDOR (Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995) whereby employers will be obliged to report any absences where an employee is away due to a work-related travel injury resulting from a crash.

Companies already have a duty of care for employees, of course, set out in the Health & Safety at Work Act 1974.

### What should fleet operators do?

The Government, in its *Driving at Work* publication\*, offers guidelines to fleet operators on the questions they need to address when carrying out an overview of their fleet. These include consideration of drivers' ability to do their work safely, their state of health and level of training; the use of appropriate and well-maintained vehicles; and allocation of realistic journey schedules.

Safety has to be seen to be endorsed by all levels of management and any policies, such as fines for at-fault accidents and remedial training, should be fully backed at board level. The true cost of an accident to a business (including lost working time and contracts), as a general guide, is around 10 times the cost of the repair to the vehicle.

### Essential Elements for Safety

- Set up a Register of Accidents, including key factors
- Driving Licence Check (in contract of employment and annual check)
- Eyesight Checks
- Medical Checks
- Written Safety Policy (including speeding, drink driving, mobile phone useage and security)
- Driver Policy, including guidance on routine safety checks
- Open Door Policy (encourage 2-way communication on safety issues)
- Seek Advice in drawing up a safe fleet policy.

Even if employers operate an employee car ownership scheme, the employer has a duty of care for them during working hours. For example, they may wish to limit vehicle choice or insist on a minimum crash-test rating standard for vehicles. In addition, employers must ensure that employees are properly insured and that their transport is fully maintained.

### How Vehicle Tracking can help

In its Department for Transport leaflet, *Driving at Work, Managing Work-related Road Safety*, the areas which the Government recommends employers focus on include, amongst others:

#### ■ Speeding

Company policies on road safety should emphasise the dangers of exceeding the relevant speed limits. Employers should try to avoid situations where employees feel under pressure, e.g. through



unrealistic claims about delivery schedules which may encourage drivers to drive too fast for the conditions or exceed speed limits.

Through vehicle tracking, operators can monitor and record the speed of a vehicle, thereby reducing the risk of an employee going over the limit. Alerts can be set up to send a warning message to the operator, should a vehicle exceed a pre-set limit. This might be particularly helpful in the case of a new, young or recently-qualified employee, agency worker or existing worker with recurrent speeding problems.

In addition, operators are able to alert customers where they can see that vehicles have been delayed, thereby reducing pressure on their drivers which might otherwise lead to their speeding or not taking adequate rest periods.

## ■ Driver Fatigue

It is important that drivers take regular breaks to avoid fatigue and that journey schedules incorporate rest periods to avoid putting employees under pressure. Professional drivers must comply with drivers' hours rules but even non-professional drivers should take a 15 minute break every 2 hours, as recommended in the *Highway Code*.

Vehicle tracking allows employers to quickly and easily monitor drivers to ensure that they are taking adequate rest periods and not breaking the Working Time Regulations on overall hours worked.

## ■ Route Planning

Motorways are the safest roads and it is important that routes taken incorporate motorways wherever possible, even though these may not be the most popular with some drivers. This should be incorporated into a company's road safety policy. As the route taken by a vehicle is continually monitored and recorded through vehicle tracking, drivers are aware that they must stick to the safest/quickest routes where possible. Clearly, this has both safety and financial benefits.

## ■ Scheduling

Employers are encouraged to allow sufficient time for employees to complete journeys safely, including the need to make allowances for rest periods, peak traffic flow, adverse weather conditions and new trainee drivers. Overnight stays should be encouraged where employees might otherwise have to drive home when they are excessively tired.

Through monitoring and recording the full activities of their fleet over time, tracking allows operators to make realistic journey schedules, reducing safety risks for their staff and increasing employee morale.

Vehicle Tracking offers fleet operators a tool to help demonstrate the steps they are taking to fulfil their Duty of Care towards their employees.

### Further Information:

Health & Safety Executive  
[www.hse.gov.uk](http://www.hse.gov.uk)

Department for Transport (DfT)  
[www.dft.gov.uk/roadsafety](http://www.dft.gov.uk/roadsafety)

Occupational Road Safety Alliance  
[www.orsa.org.uk](http://www.orsa.org.uk)

Managing Road Risk – An Introductory Guide for Employers – Available from Brake at  
[www.brake.org.uk](http://www.brake.org.uk)

Managing Occupational Road Risk – available from The Royal Society for the Prevention of Accidents (RoSPA)

Fleet News (weekly newspaper with large archive)  
[www.fleetnewsnet.co.uk](http://www.fleetnewsnet.co.uk)

