

# Your staff could be driving you out of business



**With up to one in three road crashes involving a vehicle being driven for work\*, the potential costs to business of failing to manage risk on the road are phenomenal.**

**As an employer, you have clear duties under Health and Safety law to manage Occupational Road Risk (ORR). If any employee has a crash whilst driving at work, and as an employer you have not complied with legislation, not only could you receive a hefty fine but you could also face a prison term. In the case of a fatal crash, you could be charged with corporate manslaughter.**

This is exactly what happened in the case of the Staxton Hill coach crash in September 2008. A coach carrying 45 children and parents collided with a car at Staxton Hill near Scarborough, instantly killing a young couple. The coach driver and his business partner were both charged with manslaughter due to gross negligence.

**Under the Corporate Manslaughter bill, you could be prosecuted following work related deaths**

### **How can I manage ORR?**

- Have a 'top down' approach
- Review your workplace policies and risk assessments and put procedures in place to ensure that work related journeys are as safe as possible, staff are fit and competent to drive safely and the vehicles used are fit for purpose and in a safe condition
- Set clear rules and lead by example

- Create a culture and expectation of safe driving
- Check employees are properly licensed, competent, trained and medically fit to drive
- Conduct training and assess driver competence
- Record and investigate crashes and incidents to prevent repeat occurrences

**Every week more than 20 people are killed and 250 are seriously injured in at-work crashes\*\***

### **As well as safeguarding you against prosecution, this action will...**

- Save money for your business by reducing crashes and incidents
- Reduce stress and improve morale
- Reduce the number of vehicles off the road for repair
- Improve fuel efficiency, reducing environmental impact
- Prevent damage to your business reputation

This leaflet gives a handy summary of the key areas you should consider in managing ORR. For further information, as well as practical sample policies that you can tailor to your own organisation's needs, go to [www.drivingforwork.org.uk](http://www.drivingforwork.org.uk)

### **Work related road safety policy**

Your road safety policy should be reviewed annually, or more frequently

if new legal obligations come into force, and it needs top down commitment for it to work.

## Fitness to drive

Fitness to drive can be affected by a medical condition, temporary illness or the environment. Stress, sleep disturbance, migraine, flu and severe colds can lead to unsafe driving, as can the treatment for these conditions. Ensure your employees are fit to drive.

**If you employ more than five employees you should have a written policy to cover your employees' work related road safety. Have you?**

## Vehicle maintenance

Work vehicles must be regularly inspected and maintained by the employer. Employers must ensure that employees are aware that it is their responsibility to report maintenance issues as they arise.

## Recording of information

Employers should record all information relating to employee crashes, incidents, breakdowns, maintenance issues, driver assessments etc. in order to identify any issues that need addressing.

## Driver assessment and training

Company car drivers are 49% more likely to be involved in a crash than ordinary drivers, even when their

higher mileages are considered. Unsafe schedules and time pressures are a contributory factor.

**Employers who require staff to use a mobile phone while driving for work could be prosecuted if an investigation determines that use of the phone contributed to a crash**

## Mobile phones

It is illegal to use a hand-held mobile phone while driving.

Using a hands-free phone while driving can be a distraction, and as such, does not significantly reduce the risks. **Drivers using a hands-free phone could be charged with 'failing to have proper control of their vehicle'.**

## Drink and drugs

Drug driving (whether legal or illegal drugs) carries the same penalties as drink driving. Many over-the-counter medicines, including remedies for coughs, colds, flu and hay fever, cause unwanted drowsiness, which might impair driving.

**Company car drivers are 49% more likely to be involved in a crash than ordinary drivers**

## Own vehicles

It is the employer's responsibility to ensure that all vehicles used for work

purposes, even if owned by the employee, conform to road traffic law, are safe and properly maintained, and are fit for purpose.

### **Safer journey planning**

Consider whether the journey is necessary – could it be done on public transport or via a teleconferencing call?

It is the employer's responsibility to ensure that road journeys on behalf of the organisation are properly planned and safely completed. Issues such as speed limit compliance, distraction and fatigue, possible driver impairment and vehicle safety should be considered.

***As an employer, you have a responsibility to ensure that others are not put at risk by your work-related driving activities***

### **Minibus safety**

It is an offence to cause, or permit, a minibus to be driven on the road when its condition could cause danger to anyone in the minibus or to other road users.

**It is an offence to set driver schedules that could cause employees to break speed limits**

### **Safe speed**

As an employer, you should ensure that journey schedules allow sufficient time for drivers to complete their journeys at safe speeds.

### **Fleet drivers**

If your organisation operates a fleet of vehicles, it is important that your staff are familiar with the vehicle before they drive it for work – vehicle familiarisation courses can be tailored to specific vehicles.

As an employer it is your responsibility to know who is driving any one of your vehicles at any time.

### **Voluntary drivers**

Voluntary organisations have the same legal responsibilities toward their volunteers as to their paid staff, whether the vehicles used are owned by the organisation, by the volunteer or by another party.

\* Health and Safety Executive (HSE)

\*\* The Royal Society for the Prevention of Accidents (RoSPA)

For details of your responsibilities, whether you are an employer or an employee, visit [www.drivingforwork.org.uk](http://www.drivingforwork.org.uk)

